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RAILWAY REGULATION

ONE OF A SERIES OF TREATISES IN AN INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

I. LEO SHARFMAN, A.B., LL.B.
Professor of Political Economy, University of Michigan
Sometime Chief Investigator, Department on Regulation of Interstate and Municipal Utilities, The National Civic Federation

PART 4

REGULATION BY THE STATES

CONFLICT BETWEEN STATE AND FEDERAL AUTHORITY

FEDERAL REGULATION

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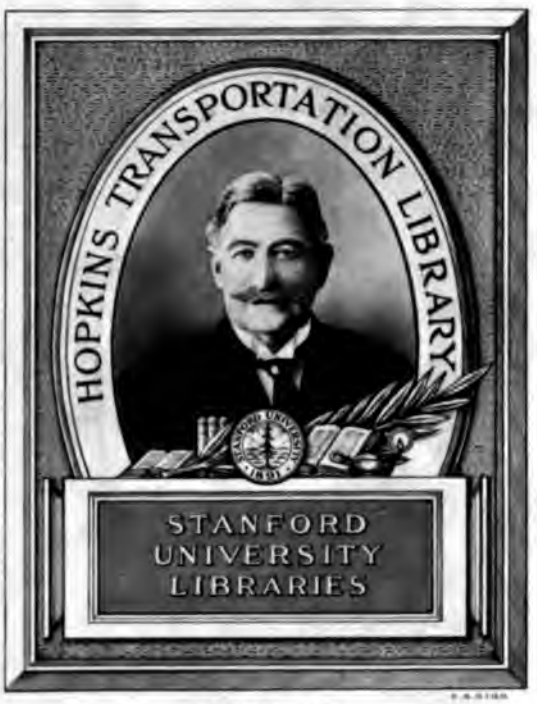

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RAILWAY REGULATION

AN ANALYSIS OF THE UNDERLYING PROBLEMS IN RAILWAY ECONOMICS FROM THE STANDPOINT OF GOVERNMENT REGULATION

I. LEO SHARFMAN, A.B., LL.B.
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PART 4

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CHAPTER VIII

REGULATION BY THE STATES [1]

Modern railway regulation by the states is carried on primarily through administrative commissions, which commissions are usually vested with authority to regulate also public utilities other than railways. This chapter is devoted to a consideration of the nature and activities of these commissions. The following pages, therefore, include a discussion of public service and public utility commissions as well as railroad commissions, and of gas, electric, water, telephone, and telegraph companies as well as railroad companies. The principles of regulation are substantially alike for all these public utilities, and the authority to regulate all or a number of them is usually vested in the same commission, whether it be called a railroad, public service, or public utility commission.

The Methods of State Regulation

UNREGULATED MONOPOLY

In the early days of the development of public utility properties there was little or no regulation for the safeguarding of public welfare. In order to afford effective

[1] The substance of this chapter appeared under the title "Commission Regulation of Public Utilities: A Survey of Legislation," in the *Annals of the American Academy of Political and Social Science* for May, 1914, and is here reprinted by permission.

stimulus for inventive genius and business initiative, it was necessary to provide a free field for private enterprise, unhampered by legislative restriction. The technique of railway and utility operation, in which so high a degree of efficiency has since been attained, had yet to be worked out. The permanent necessity and financial practicability of these utility services, which have now been recognized beyond recall, had yet to be established.

In these monopolistic industries, as in private business, public welfare counseled a policy of non-interference. In spite of their monopolistic character, it was felt that the public service industries, in order to be ready for public control no less than for public ownership, must first have reached a stage of maturity consistent with the lessened opportunities for private gain necessarily involved in a system of effective public regulation. During the first half of the nineteenth century, therefore, franchise privileges were freely granted by the state legislatures. These franchises extended for long periods and often in perpetuity. As a result, the privileges essential for supplying the future, as well as the then-existing needs of the community were given to private corporations with little thought of immediate restriction, or of reservation of power for future regulation. The public service franchise was looked upon as a private contract between the state and the grantee corporation instead of as a permit by the sovereign for the performance by private individuals or corporations of functions largely public in their nature.

The regulation of public utilities may be said to have passed through three stages, not always entirely distinct,

from which emerge three different methods of public control:

1. Regulation through franchise provisions.
2. Legislative regulation.
3. Commission regulation.

REGULATION THROUGH FRANCHISE PROVISIONS

Regulation through the provisions of the franchise began during the second half of the nineteenth century when greater care came to be exercised in the drawing up and the granting of franchises. Exclusive grants were often prohibited by constitutional provision and statutory enactment. The unconditional long-term grant began to give way to the short-term franchise with restrictive provisions. Instead of grants in perpetuity or for ninety-nine, or even fifty, years, the life of the franchise came more generally to be from twenty-five to forty years. Moreover, the grantee was subjected to restrictions incorporated in the franchise. Maximum charges were often prescribed, particularly in the case of railroad and street-railway service, above which the grantee corporations could not go in fixing their rates and fares. There was often some provision, too, as to the character of the service to which the public would be entitled under the terms of the franchise.

This form of regulation had two fundamental drawbacks: in view of the rapid growth of the community, the restrictions contained in the grant did not provide adequate regulation even for the short period of the franchise; and there was no administrative machinery for the execution, on behalf of the public, of the limited restrictions of the franchise contract.

LEGISLATIVE REGULATION

The second form in which the movement for adequate regulation manifested itself was the reservation to the state of the general power of control. This reserved power of regulation, which was gradually extended by the courts as a power inherent in the state even in the absence of express reservation, was exercised by state legislatures through the enactment of statutes, and by city councils through the promulgation of municipal ordinances.

This method gave a fuller recognition to the permanence of the problems raised by the unregulated operation of the public service industries. It afforded a means for regular instead of periodic adjustment of the relations between the public and the public service corporations. It was defective, however, in several particulars. The lack of expert knowledge on the part of legislators and councilmen, together with the great diversity of their interests, often resulted in ill-advised or ineffective legislation. Moreover, the absence of permanent administrative machinery for carrying into effect the public policy embodied in the legislation aiming to regulate railroads and other public utilities, resulted in a control which was inevitably spasmodic and, at best, inadequate. This was the general situation toward the end of the nineteenth century.[2]

COMMISSION REGULATION

Regulation by the states through administrative commissions of the type that prevails today is very recent. The Railroad Commission of Wisconsin was not estab-

[2] Even after commissions began to be used in place of direct legislative control the commissions for a long time were given little real power.

lished until 1905, and it was not given jurisdiction over utilities other than railroads, express companies, and telegraph companies till 1907. The Public Service Commissions of New York were not established till 1907. The Wisconsin and New York commissions have served, to a large degree, as models for the numerous administrative bodies for the state regulation of railroads and other public utilities that have sprung into being since 1907; and the Wisconsin and New York laws have been the basis of a large part of the public utility legislation recently enacted.

These laws substitute administrative regulation for direct legislative control. To special boards or commissions are entrusted large powers whereby they are enabled to keep themselves constantly and thoroughly informed of the practical operation as well as of the general policy of public service corporations. On the basis of this knowledge and information they exercise such supervision over these utilities as may tend to harmonize the private interests of the owners and the general welfare of the public. With but few exceptions, present-day regulation is legislative in character only in the sense that the extent of commission jurisdiction and power is determined by statutory enactment.

The Scope of Railroad and Utility Legislation

Now a complete summary of railroad and utility legislation would include, in addition to the so-called commission laws, all special franchises and charters, with such restrictions as they contain, and all direct legislation imposing duties upon utilities for the enforcement of which no provision is made. A comprehensive survey of commission legislation, even, would include many laws

whereby duties are imposed upon utilities by direct legislative enactment with power of enforcement vested in commissions.

This chapter deals almost exclusively with commission laws. Emphasis is here placed upon the organization and powers of commissions rather than upon the duties of utilities. Since the authority of the Interstate Commerce Commission extends primarily, if not entirely, to interstate business, it is given no consideration in this chapter, in spite of its large influence upon recent state commission legislation. Municipal commissions are obviously beyond the scope of this chapter. Although there has been considerable American experience with municipal commissions (usually deriving their direct authority from municipalities and exercising jurisdiction over utilities whose business is confined within these municipalities), the general trend of commission regulation seems to be toward the establishment of central commissions whose authority is state-wide, even for such utilities as are local in character. In the case of steam railways, the regulating machinery is exclusively state and national. In this place an analysis is undertaken of the commission laws of the state.

The Organization of Commissions

PERSONNEL AND ORGANIZATION

The success of commission regulation will depend largely upon the personnel of the commissions. Ultimately, the personnel of railroad and public service commissions will be determined by the attitude of the public toward its officials in general, and by the confidence or distrust which the public manifests towards the employment in the public service of trained experts and men of

large business experience. This is one of the fundamental problems of American democracy, and it cannot be solved by mere legislation. But the effectiveness of commission regulation depends in large measure also upon political machinery, and this leads to a consideration of the important legislative requirements dealing with commission organization and procedure.

There are at the present time fifty state commissions, with independent personnel, representing forty-seven separate jurisdictions.[3] Delaware is the only state which has no central commission. New York, Massachusetts, and South Carolina have each two distinct commissions

SELECTION OF COMMISSIONERS

The members of twenty-eight of the fifty commissions are appointed by the governor by and with the consent or advice of the senate or council; in one they are appointed by a railroad board, or a majority of its members, consisting of the governor, the lieutenant governor, and the attorney-general; in one they are the governor, the treasurer, and the auditor of the state, ex officio; in twenty they are elected by the people. It is generally recognized that the appointive commission, all else being equal, is likely to call into the public service better and abler men than the elective commission. And there is a strong tendency towards the appointive commission. Not only is a clear majority of the commissions appointive, but all the states which legislated during the year 1913 created appointive commissions.[4]

[3] A complete list of the state railroad and public utility commissions will be found at the end of this chapter.

[4] Idaho, Illinois, Indiana, Massachusetts, Missouri, Montana, Ohio, Pennsylvania and West Virginia.

in the management or operation of a common carrier or public utility; in Maine the chairman must be learned in law, one of the commissioners must be a civil engineer experienced in the construction of railroads, and one experienced in the management and operation of railroads; in Michigan one must be an attorney having a knowledge of and experience in the law relating to common carriers, and the other two must have a knowledge of traffic and transportation matters; in Nevada the chief commissioner must be an attorney at law well versed in the law of railroad regulation, the first associate commissioner must be a practical railroad man familiar with the operation of railroads, and the second associate must have a general knowledge of railroad fares, freights, tolls and charges; in Virginia at least one commissioner must have the same qualifications as are required for judges of the supreme court of appeals; in West Virginia one of the commissioners must be a lawyer of not less than ten years' actual experience at the bar; and in Wisconsin one must have a general knowledge of railroad law, and each of the others must have a general understanding of matters relating to railroad transportation. In two jurisdictions the qualifications are very general in character. The new Massachusetts public service law provides that each of the commissioners shall be "a competent person"; and in South Carolina it is provided that the members of the public service commission shall be "reputable and competent citizens of South Carolina."

DISQUALIFICATIONS FOR MEMBERSHIP

Most jurisdictions provide certain disqualifications for membership in a railroad or pubilc utility commission. The disqualification provisions of forty jurisdictions, stated in composite form, provide that no person em-

ployed by, or connected with, or holding any official relation to, or owning stocks or bonds of, or having any direct or indirect or pecuniary interest in any public utility over which the commission has jurisdiction, or of the kind over which the commission has jurisdiction, is eligible to membership in the commission. In Wisconsin it is provided that no person who has a pecuniary interest in any railroad or telegraph or express company in Wisconsin or elsewhere may become a member of the commission. In twenty-six jurisdictions it is further provided that no commissioner, officer, or employee of the commission may engage in any other business, employment, or vocation, or hold any other political office. In Idaho and West Virginia the prohibition extends only to any other political office.

COMMISSION PROCEDURE

The determination of rules of procedure and practice is largely in the hands of the commission. In two-thirds of the jurisdictions authority is specifically conferred upon the commissions to adopt rules and regulations for their government and proceedings. It is usually provided, however, that all hearings must be open to the public, and that any party in interest may be heard in person or by attorney. On the other hand, authority is almost universally given to the commissions to administer oaths, subpœna witnesses, and order the production of books, records, and memoranda in proceedings held before them. Investigations and hearings are commonly started on complaint, but it is often provided that the commission may make summary investigations and hold hearings on its own motion or initiative and issue orders on the basis of its findings.

The General Extent of Commission Authority

NUMBER AND GROWTH OF COMMISSIONS

The general extent of commission authority may be examined from three points of view. First, the scope and trend of regulation may be gathered from the number of commissions in existence and the rapidity of their growth. There are today, as already indicated, fifty state commissions representing every state but Delaware. No less than thirty of these either came into existence since 1907 or have been so completely changed in character since 1907 that they are practically new commissions. Early in 1913 the National Civic Federation completed a comprehensive compilation and analysis of laws for the regulation of public utilities by central commissions.[6] In the short time that has elapsed since the results of that investigation were published, public service commissions have been created in four states, Idaho, Utah, West Virginia, and Wyoming, where no utility commissions had before existed, and seven other states have passed complete public service laws now in operation. In addition there has been a mass of amendatory legislation whereby existing commissions have been very largely transformed.

JURISDICTION OF COMMISSIONS

The extent of commission authority may be gaged also by the kind and number of utilities which may be reached in any way by the railroad and utility commissions. The

[6] "Commission Regulation of Public Utilities: A Compilation and Analysis of Laws of Forty-three States and of the Federal Government for the Regulation by Central Commissions of Railroads and Other Public Utilities." The National Civic Federation, Department on Regulation of Interstate and Municipal Utilities, New York, 1913.

state commissions collectively have some degree of authority over corporations, companies, associations, joint-stock companies, partnerships, or individuals that own, operate, manage, or control steam railroads, electric and street railroads, interurban or suburban railroads, elevated railroads or subways, automobile railroads, steamboats and other water craft, express lines and messenger lines, signalling facilities, bridges, and ferries connected with railroads, pipe lines for the transportation of oil or water, sleeping, parlor, and drawing-room cars, terminals, union depots, docks, wharves, storage elevators, fast freight lines, stage lines, messenger service, telegraphs and telephones, irrigation and sewage facilities, and facilities for the manufacture and sale of gas, electricity, heat, light, water, power, hot or cold air, and steam.

Whether a given business constitutes a public service undertaking depends largely upon the social and industrial conditions that prevail in the community. Whether, upon recognition of a given undertaking as a public service industry, express authority to regulate shall be granted to commissions, depends usually upon the public policy of the given community and more particularly upon the political conditions prevailing in that community. The utilities to which commission jurisdiction extends, therefore, vary greatly in the different states; but the principles of adequate regulation, as embodied in the various powers conferred upon commissions, are found to depend but very slightly upon the number and nature of the utilities regulated. This is but a recognition that public service industries may, in most respects, be treated as a homogeneous class.

A distinction is often made between interstate and municipal utilities, or between railroads and other public

utilities. Commission legislation but seldom distinguishes to any striking degree between these classes of utilities, although there is considerable variety in the names of the commissions. Twenty-two of them are railroad commissions; fourteen are public service commissions; seven are public utility commissions; five are corporation commissions; one is a railroad and warehouse commission; and one is a board of gas and electric light commissioners. The names of the commissions do not always indicate the scope of their jurisdiction. Many of the railroad commissions have jurisdiction over the so-called municipal utilities; as, for example, the railroad commissions of Oregon and Wisconsin. Most of the public utility or public service commissions have jurisdiction over railroads; as, for example, the Massachusetts and New York commissions.

ADVISORY VERSUS MANDATORY COMMISSIONS

Finally, the extent of commission jurisdiction may be gathered from the powers vested in the commissions. Two types of regulating boards have appeared in American experience: the advisory board, with powers of investigation and recommendation, of which the old Massachusetts railroad commission is the most notable example; and the mandatory board, with power to order as well as to recommend, of which the New York and Wisconsin commissions are perhaps the best examples. The advisory commission relies upon publicity and the strength of public opinion for the enforcement of its recommendations; the mandatory commission is vested with sufficient power to compel the utilities to submit to its orders.

The advisory commission has been abandoned even in Massachusetts. Large powers are now granted to the

commissions; the duty of utilities to comply with the orders of the commissions is clearly stated; the commissions are given authority to invoke judicial process for the enforcement of their orders, and usually penalties, varying in stringency, are imposed upon utilities for failure to comply with these orders. Since the enactment of the Wisconsin railroad commission law in 1905 and of the Hepburn amendments to the Act to Regulate Commerce in 1906, practically all utility legislation has proceeded on the basis of clothing commissions with ample power to exercise continuous supervision over railroads and other public utilities and to afford effectual relief to any party in interest whenever necessary. The authority to prescribe just and reasonable rates, therefore, is almost universally enjoyed by the modern type of railroad or public service commission.

GENERAL GRANTS OF AUTHORITY

In addition to such specific powers as are necessary for adequate public control, commissions now possess large general powers of investigation and supervision over the property and business of public utilities. This general power of regulation is stated in most comprehensive fashion in the Illinois public utilities commission law, as follows:

> The commission shall have general supervision of all public utilities, shall inquire into the management of the business thereof and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine such public utilities and keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipments and other property owned, leased, controlled or operated are managed, conducted and operated, not only with respect to the adequacy,

security and accommodation afforded by their service, but also with respect to their compliance with the provisions of this act and any other law, with the orders of the commission and with the charter and franchise requirements.[7]

The following provision of the Wisconsin public utilities act is found in most jurisdictions, and further indicates the nature of the general powers vested in commissions, so far as they are essential to a proper performance of their duties:

The commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs.[8]

We may now present a brief review of the more important specific powers vested in railroad and public utility commissions.

The Regulation of Franchises

OBJECTS OF FRANCHISE REGULATION

The important provisions in commission laws looking to franchise regulation aim to prevent unnecessary duplication of utility properties through the introduction of competition where the public welfare demands the recognition of monopoly, and to provide for the uninterrupted operation of utilities, under adequate control of rates and service, subject to public purchase whenever such private operation ceases to promote the public good.

7 Acts 1913, House Bill No. 907, § 8.
8 Laws 1907, chap. 499, § 1799m-38.

CERTIFICATES OF CONVENIENCE AND NECESSITY

The first of these purposes has been accomplished by requiring the issue of a certificate of convenience and necessity by the commission before a public utility may enter upon a new undertaking, or extend an existing undertaking, or exercise franchise privileges previously granted but not theretofore exercised. The essential elements of the certificate of convenience and necessity are stated as follows in the New Hampshire public service commission law:

No public utility shall commence within this state the business of transmission of telephone or telegraph messages, or of supplying the public with gas, electricity or water, or shall engage in such business or begin the construction of a plant, line, main, or other apparatus or appliance intended to be used therein in any city or town in which at the time it shall not already be engaged in such business, or shall exercise any right or privilege under any franchise hereafter granted (or any franchise heretofore granted, but not heretofore actually exercised) in such town, without first having obtained the permission and approval of the commission. The commission shall grant such permission whenever it shall, after due hearing, determine and find that such engaging in business, such construction or such exercise of the right, privilege or franchise would be for the public good and not otherwise; and may prescribe such terms and conditions upon the exercise of the privilege granted under such permission as it shall consider for the public interest. Authority granted under the provisions of this section may only be exercised within two years after the same shall be granted, and shall not be exercised thereafter.[9]

Provisions substantially identical with the New Hampshire section are found in twenty-one jurisdictions.[10] It is

[9] Laws 1911, chap. 164, § 13 (a).

[10] Arizona, California, Connecticut, Idaho, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New York, Pennsylvania, South Dakota, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

to be noted that practically all the states which passed complete laws during 1913 provide for certificates of convenience and necessity.

INDETERMINATE FRANCHISES

The other purpose of the franchise provisions of commission laws is to recognize the essentially monopolistic character of public utilities by providing for their continuous operation, during good behavior, under a permit unlimited as to time, with power in the public authorities to exercise an option of purchase. The indeterminate franchise was first established in Massachusetts, where street railway locations may be revoked by local authorities (the revocation being subject to approval by the commission in certain cases) at any time after the expiration of one year from the date of the franchise.

The most thorough-going indeterminate franchise law is to be found in Wisconsin. It was enacted in 1907 and materially amended in 1911. It provides for indeterminate permits for street railways and for heat, light, water, and power companies in municipalities. The indeterminate permit was first to apply to all future grants, with authority for companies operating under limited-term franchises to exchange them for indeterminate permits. The amendment of 1911 provided that all franchises theretofore granted were to become indeterminate.

The essential characteristics of the principle of indeterminate franchises are: first, that the public service corporation is recognized as a legal monopoly, and no permit is granted to a competing company, unless public convenience and necessity require such grant; and second, that the public service company, in accepting an indeterminate permit, consents to the purchase of its plant by the municipality in which it operates. The purchase

price is to be fixed by the commission, subject to review by the courts. The new public service commission law of Indiana provides for indeterminate permits similar to those established in Wisconsin.

The Regulation of Security Issues

In fifteen jurisdictions the commission has authority to supervise the issue of stocks and bonds.[11] In some of these jurisdictions the commission's power is stated in general terms and does not provide for a strict control of capitalization. The New Jersey law, for example, merely provides that no public utility shall "issue any stocks, stock certificates, bonds or other evidences of indebtedness payable in more than one year from the date thereof, until it shall have first obtained authority from the board for such proposed issues. It shall be the duty of the board, after hearing, to approve of any such proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with law and the purpose of such issue be approved by said board."[12]

In many of the states, however, the commission has complete control, definite financial standards being prescribed and provisions being made for thorough investigation and valuation by the commission before approval of security issues, and for detailed supervision of the disposition of the proceeds after the commission's certificate has been granted. The most valuable experience in the regulation of security issues is to be found in New York, Massachusetts, Texas, and Wisconsin. The Wis-

11 Arizona, California, Kansas, Illinois, Indiana, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Texas, Vermont and Wisconsin.

12 Laws 1911, chap. 195, § 18 (e).

consin stock and bond law, for example, applying to railroads and to street railway, telegraph, telephone, express, freight line, sleeping-car, light, heat, water and power corporations, establishes a comprehensive system of regulating security issues by commission. It affords a practical guarantee by the state that there is an equivalence between the amount of outstanding securities and the investment upon which the utilities are entitled to a fair return. Legislation of similar scope may be found in five other states, three of which legislated during the year 1913.

The Regulation of Rates and Service

Commission laws lay down the foundations of rate-making, or the requisites of lawful rates, prohibit unjust discrimination, prescribe publicity in the making of rates and schedules, and vest in commissions the power to fix rates in accordance with the principles thus prescribed.

FOUNDATIONS OF RATE-MAKING

It is almost invariably provided that rates and charges shall be just and reasonable, and the commissions are given authority to enforce the standard thus established. In many jurisdictions the various elements that must be considered and the various devices that may be adopted in the establishment of reasonable rates by utilities and commissions are further prescribed.

The chief elements emphasized by the statutes for lawful rates are that a due regard be accorded "to a reasonable average return upon the value of the property actually used in the public service and to the necessity of making reservation out of income for surplus and con-

tingencies."[13] Twenty-five jurisdictions make express provision for the valuation of the property of railroads and other public utilities by commissions.[14] These valuations are sometimes used for capitalization and purchase as well as for rate-making purposes. The tendency in these valuation provisions is to vest in the commissions ample power for the successful ascertainment of the investment value. Such elaborate valuation provisions may be found in Ohio, Pennsylvania, Washington, and Wisconsin.

The main device provided by statute through which reasonable rates may be assured is the sliding scale, chiefly applicable to the gas industry, but also, in some cases, to electric companies. The sliding scale method of regulating rates is a device by means of which rates automatically decrease as profits increase. For example, the price of gas may be fixed at 85 cents per thousand cubic feet and the dividend rate at that price may be limited to 7 per cent. For every decrease of 5 cents per thousand in the price of gas, the dividend rate increases 1 per cent. Thus both the public and the public service corporation share in the profits resulting from increased economies of production. In addition to the Boston sliding-scale act in Massachusetts, eleven jurisdictions authorize utilities to establish the sliding scale for the automatic adjustment of charges and dividends under commission supervision.[15]

[13] New York: Laws 1910, Ch. 480, § 97.

[14] Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin.

[15] Arizona, California, Idaho, Maryland, Missouri, New York, Ohio, Pennsylvania, Utah, Wisconsin, and Wyoming.

DISCRIMINATION IN RATES AND SERVICE

The laws regularly provide also that unjust discrimination is prohibited, and the commissions are given authority to enforce the prohibitions. Unjust discrimination is variously defined. As defined in the commission laws collectively, it comprises the following acts:

(1) Charging a greater or less compensation to one person than to another for like and contemporaneous service;

(2) Charging rates other than those prescribed by law or specified in published schedules, refunding, remitting, or rebating any portions of such rates, or extending privileges or facilities not uniformly open to all;

(3) Charging a less compensation in consideration of the furnishing by utilities of any part of the facilities incident to the service;

(4) Charging a less compensation in consideration of the size of the shipment or the extent of the service;

(5) Charging a greater compensation for a shorter than for a longer distance, or for a smaller than for a larger service;

(6) Granting to any person, corporation, locality, or any particular description of service, any undue or unreasonable preference or advantage, or in subjecting the same to any undue or unreasonable prejudice or disadvantage;

(7) Assisting or permitting patrons to secure special favors or advantages, or rates other than those lawfully established;

(8) Soliciting, accepting or receiving special favors, or advantages, or rates other than those lawfully established.

There are also general prohibitions against offering,

granting, soliciting, or accepting free or reduced rate or special service, with elaborate lists of exceptions; special prohibitions applicable to public officials and members of political organizations; and requirements that lists of persons to whom free or reduced rate or special service has been granted shall be published and filed with the commission. The provisions also indicate the kinds of special treatment which constitute justifiable discrimination and authorize the commissions to determine under what conditions such circumstances exist as make discrimination justifiable.

PUBLICITY REQUIREMENTS

Again, it is almost invariably required that utilities submit to full publicity in the establishment and change of their rates and schedules, and authority is vested in the commissions to render publicity in rate-making effective. Utilities are thus ordered to file their schedules of rates with the commissions, after due notice of their adoption; the matters to be contained in these schedules are prescribed in detail; the forms of schedules are made subject to the approval of the commissions; it is provided that the schedules be published and posted; the filing, publishing, and posting of rate schedules is often made a condition precedent to the exercise by utilities of the right to do business; and utilities, in many instances, are required to file with the commissions copies of leases, contracts, and arrangements made with other utilities.

ESTABLISHMENT AND CHANGE OF RATES

The important powers as to rates are found in the provisions which authorize commissions to regulate or prescribe the rates and charges of railroads and other public utilities, establish the procedure to be followed

in the exercise of these powers, and indicate the legal effect to be given to the rates and charges so established. All the states now give the commissions mandatory powers over rates. In many of the jurisdictions there is language so broad that it may, by liberal interpretation, be construed to vest in the commissions power to fix rates in the first instance. When the legislation in each jurisdiction is taken as a whole, however, the authority of the commissions in practically all the commission states is limited to the power on its own motion or on complaint, after investigation, to declare rates and charges previously in force to be unreasonable, and to prescribe others in lieu thereof to be followed in the future. In other words, in spite of the large power over rates vested in commissions, the right to initiate rates is practically everywhere reserved to the railroads and other utilities; but in about one-third of the jurisdictions the commissions are given the additional authority to suspend the operation of rates fixed by railroads and other utilities pending an investigation as to their reasonableness undertaken by the commissions. In some jurisdictions the rates fixed by commissions are considered *prima facie* lawful and in force until found unreasonable upon review by a proper court; in some states their operation is suspended until declared reasonable upon judicial review.

ADEQUACY AND SAFETY OF SERVICE

Many of the rate provisions, in so far as they empower commissions to supervise the business of utilities, apply to regulations, practices and service. But while more than one-half of the states provide that the service furnished by utilities must be reasonable, or that the facilities must be adequate and safe, only about one-third of

the commission jurisdictions vest sufficient authority in the commissions to render these requirements effective.

The practice in the past has been to establish by direct legislative enactment absolute standards of service and safety, together with specific facilities and safety appliances. The present tendency, however, as evidenced by much of the recent legislation,[16] is to clothe commissions with power over service and facilities, both as to adequacy and as to safety, commensurate with their power over rates. The more recent commissions, therefore, are authorized to prescribe reasonable service standards and to provide for such inspection and testing of service and facilities as will insure their adequacy and safety.

The Regulation of Accounts and Reports

The regulation of accounts and reports serves to provide for commissions the data essential to an adequate control of capitalization, rates and service.

ACCOUNTING PRACTICES

There are provisions for the regulation of accounts in twenty-eight jurisdictions. The most general requirement is that by which authority is granted to commissions to establish a system of uniform accounts for public utilities, with power to prescribe the forms of accounts, records, and memoranda, and to indicate the manner in which they shall be kept, or to classify public utilities and establish a system of accounts and prescribe forms for each class. In most jurisdictions this power may be exercised at the discretion of the commission. Sometimes, as in the new Indiana law, the authority to pre-

[16] Idaho, Illinois, Indiana, Missouri, Pennsylvania and West Virginia.

scribe accounting practices is made mandatory upon the commission. In a number of the jurisdictions it is further made unlawful for utilities to keep any other accounts, records, or memoranda than those prescribed or approved by the commission. In the case of railroads and other common carriers, the commissions are often specifically required to conform, as far as possible, to the system of accounts established and prescribed from time to time by the Interstate Commerce Commission.

In about one-fourth of the states—Arizona, California, Idaho, Illinois, Indiana, Missouri, New Jersey, Ohio, Oregon, Pennsylvania, Utah, and Wisconsin—special depreciation accounts are provided for. The commission is empowered to require proper and adequate depreciation or deferred-maintenance accounts to be kept in accordance with prescribed forms and regulations, whenever it shall determine that depreciation accounts can reasonably be required.

Moreover, the commissions are given authority to examine as well as to prescribe accounts—that is, the commission or the commissioners, or their duly authorized agents or examiners, may have access to the accounts of the utilities and may at all reasonable times examine and inspect them. Heavy penalties are usually imposed for violations of accounting provisions.

REPORTS AND STATISTICS

The duty is almost invariably imposed upon utilities to transmit to the commission, at specified intervals or at such time as the commission may designate, regular reports of their doings setting forth such facts, statistics, and particulars relative to their business, receipts, and expenditures as may be required by the commission. In many states special reports may also be called for by

the commission at different intervals. It is often provided that the commission shall furnish blank forms for regular or special reports, and the reports must be duly sworn to or verified by such officers or persons as the commission may designate. Full and specific answers must be given to all questions propounded by the commission, or sufficient reasons must be stated for failure to make such answers. In case the reports or returns appear to be defective or erroneous, the commission is usually given the power to order their amendment within a specified time. It was very common in the older utility laws, particularly for the regulation of railroads and common carriers, to prescribe by statute the detailed contents of annual reports; but in pursuance of the general trend of giving commissions ample discretion in the regulation of utilities, the more advanced legislation, including most of the recent laws, vests complete power in the commissions as to the scope of the reports to be made by railroads and other utilities. Heavy penalties are usually imposed for the violation of provisions relating to reports and statistics.

State Versus Federal Regulation

The policies, principles, and rules of administrative public control analyzed and examined in the preceding pages were applied by the states to the regulation of railways long before they were generally extended to the supervision of other public utilities. In the course of time, however, with the growth of railway mileage and the development of interstate traffic, railway enterprise came to exert a larger and larger national influence and its problems came to be considered national problems in constantly increasing measure. A system of federal

regulation of railways, the character of which will be considered in a later chapter, inevitably followed, and the activities of the state railroad and public service commissions began to be extended to the so-called local or municipal utilities. The gradual extension of the jurisdiction of the state commissions did not result, however, in a relinquishment of their authority over railroads. The railways came to be regulated, therefore, by the two-fold agencies of the nation and the states, and their respective spheres of action began to be marked out by the enactments of our legislatures and the decisions of our courts. The problems involved in the conflict between state and federal authority which gradually developed are considered in the next chapter.

List of State Railroad and Public Service Commissions

The following is a complete list of state railroad and public service commissions. It is unnecessary, for the purposes of this text, to present an exhaustive list of constitutional and statutory sources; but all the more important commission laws are given, and reference is made to such other provisions as deal with the creation and organization of commissions.

Alabama: Railroad Commission of Alabama (Code 1907, §§ 5632, 5633, 5636, 5637, 5640, 5642).

Arizona: Corporation Commission (Session Laws 1912, chap. 90).

Arkansas: Railroad Commission of Arkansas (Kirby's Digest 1904, §§ 6788, 6789, 6793).

California: Railroad Commission of the State of California (Statutes 1911, 1st Extra Session, chaps. 14, 40).

Colorado: Public Utilities Commission of Colorado (Laws 1910, Special Session, chap. 5).

Connecticut: Public Utilities Commission (Public Acts 1911, chap. 128).

Florida: Railroad Commissioners for the State of Florida (Gen. Sts. 1906, §§ 2882, 2883, 2887—as amended 1907).

Georgia: Railroad Commission of Georgia (Code 1911, §§ 2616, 2620, 2621, 2622, 2625. Acts 1878-79, No. 269, § 1).

Idaho: Public Utilities Commission of the State of Idaho (Session Laws 1913, House Bill No. 21).

Illinois: State Public Utilities Commission (Acts 1913, House Bill No. 907).

Indiana: Public Service Commission of Indiana (Acts 1913, House Bill No. 361).

Iowa: Board of Railroad Commissioners (Code 1897, §§ 2111, 2121).

Kansas: Public Utilities Commission (Gen. Sts. 1909, § 7185. Laws 1911, chap. 238).

Kentucky: Railroad Commission (Constitution, § 209. Carroll's Statutes 1909, §§ 821-823).

Louisiana: Railroad Commission of Louisiana (Constitution, Arts. 283, 287, 289).

Maine: Public Utilities Commission (Rev. Sts. 1903, chap. 51, § 48—as amended by Public Laws 1909, chap. 141; chap. 116, § 1).

Maryland: Public Service Commission (Laws 1910, chap. 180. Laws 1912, chap. 563).

Massachusetts: Board of Gas and Electric Light Commissioners. (Rev. Laws 1902, chap. 121, § 1—as

amended by Acts 1907, chap. 316. Acts 1910, chap. 539, § 1); Public Service Commission (Acts 1913, chap. 784).

Michigan: Michigan Railroad Commission (Public Acts 1909, No. 300).

Minnesota: Railroad and Warehouse Commission (Rev. Laws 1905, §§ 1953 and 1956—as amended by Laws 1911, chap. 140; 1961).

Mississippi: Mississippi Railroad Commission (Code 1906, §§ 4826, 4828, 4830).

Missouri: Public Service Commission (Public Service Commission Law of March 17, 1913).

Montana: Railroad and Public Service Commission (Public Service Commission Law of 1913).

Nebraska: Nebraska State Railway Commission (Cobbey's Annotated Statutes 1909, §§ 10649, 10650).

Nevada: Railroad Commission of Nevada (Statutes 1907, chap. 44—as amended by Statutes 1911, chap. 193); Public Service Commission of Nevada (Statutes 1911, chap. 162). The personnel of the two commissions is the same, the railroad commission being ex officio the public service commission.

New Hampshire: Public Service Commission (Laws 1911, chap. 164).

New Jersey: Board of Public Utility Commissioners (Laws 1911, chap. 195).

New Mexico: State Corporation Commission (Constitution, Art. XI, § 1. Laws 1912, chap. 78).

New York: Public Service Commission, First District (Laws 1910, chap. 480—as amended through 1913); Public Service Commission, Second District (Same citation as for First District Commission).

North Carolina: Corporation Commission (Pell's Revisal 1908, §§ 1054-1056, 1060, 2754).

North Dakota: Board of Railroad Commissioners of the

State of North Dakota (Constitution, § 82; Rev. Codes 1905, §§ 364, 366, 367. Laws 1909, chap. 216, § 4).

Ohio: Public Utilities Commission of Ohio (Laws 1911, No. 325. Laws 1913, House Bill No. 582).

Oklahoma: Corporation Commission (Constitution, Art. IX, §§ 15, 16, 18(a). Constitution Schedule, § 15).

Oregon: Railroad Commission of Oregon (Gen. Laws 1907, chap. 53. Gen. Laws 1911, chap. 279).

Pennsylvania: Public Service Commission of the Commonwealth of Pennsylvania (Laws 1913, No. 854).

Rhode Island: Public Utilities Commission (Acts 1912, chap. 795).

South Carolina: Railroad Commission (Constitution, Art. IX, § 14. Gen. Sts. 1902, §§ 2063, 2064. Laws 1893, No. 304, § 1. Laws 1910, No. 286).

South Dakota: Board of Railroad Commissioners of the State of South Dakota Rev. Pol. Code 1903, §§ 186, 187, 189-191, 194, 195—as amended by Session Laws 1907, chap. 208).

Tennessee: Railroad Commission of the State of Tennessee (Acts 1897, chap. 10. Acts 1907, chap. 390).

Texas: Railroad Commission of Texas (Constitution, Art. XVI, § 30. Sayles' Civil Statutes 1897, Art. 4561).

Utah: Public Utilities Commission (Comp. Laws of 1917, page 961).

Vermont: Public Service Commission (Pub. Sts. 1906, §§ 4591, 4592, 6172. Laws 1908, No. 116).

Virginia: State Corporation Commission (Constitution, § 155).

Washington: Public Service Commission of Washington (Laws 1911, chap. 117).

West Virginia: Public Service Commission (Public Service Commission Law of February 20, 1913).

Wisconsin: Railroad Commission of Wisconsin (Laws 1905, chap. 362 as amended. Laws 1907, chap. 499 as amended, 454, 578. Laws 1911, chap. 593. Laws 1913, chap. 756).

Wyoming: Public Service Commission of Wyoming (Laws 1915, chap. 146).

TEST QUESTIONS

1. Why was there little or no regulation of public utilities in the early days?

2. Indicate the chief methods of state regulation and explain the distinctive characteristics of each.

3. Why must the success of commission regulation depend largely upon the personnel of the commissions?

4. What circumstances affect the appointment of railroad and public service commissioners?

5. State briefly the general tendencies which prevail in the method of selection of commissioners, their compensation, the number of commissioners, and the length of their term of office.

6. What provisions are usually found in regard to subordinate officials and administrative staffs?

7. Indicate the character of the qualifications for membership in a railroad or public utilities commission which are generally prescribed by statute. What are the usual disqualifications?

8. In what way are the rules of procedure and practice before the commissions usually determined?

9. From what three view points may extent of commission authority be examined?

10. What two types of regulating boards are found in America? Which is the prevailing type today?

11. What are the objects of franchise regulation? In what way are these objects attained through certificates of convenience and necessity, and the indeterminate franchise?

12. What are the purposes of state regulation of security issues? In what states are the most effective systems of financial regulation to be found?

13. What are the general provisions of commission laws as to the authority given to the commission in the adjustment of rates?

14. Explain the function of valuation provisions in the regulation of rates and service.

15. What is meant by the term "sliding scale" in connection with reasonable rates? Explain the principles involved in the sliding scale, and state to what utilities the sliding scale is usually made applicable.

16. Indicate the general character of the provisions against discrimination in rates and service, the requirements of rate

publicity, and the rules for the establishment and change of rates. Show the relationship between these provisions.

17. Compare the extent of commission authority in the establishment and change of rates with the scope of administrative power over the adequacy and safety of service.

18. Why is the regulation of accounts and reports necessary to an adequate control of capitalization, rates, and service?

19. State the important accounting provisions and those pertaining to reports and statistics which are generally found in state commission legislation.

which begins and ends within the borders of a single state—is vested in the states, acting through their legislatures or railroad and public service commissions.

Intrastate and Interstate Commerce

It is very difficult, however, if not impossible, to make a distinct separation, for purposes of government regulation, between intrastate and interstate commerce. American railways almost uniformly carry both intrastate and interstate traffic. State boundaries are but artificial political lines and do not coincide with the natural channels of trade and industry. In the last quarter of a century, moreover, the growth of national or interstate business has far outstripped the development of local or intrastate business; and the conditions of intrastate and interstate commerce have become inextricably interwoven. The adjustment of intrastate rates, therefore, has come to exert a constantly increasing influence upon the development of the interstate rate structure. In part, this result has been indirect and inevitable, arising from the very close relationship which naturally subsists between local and interstate traffic; but in large measure it has been direct and purposeful, arising from the desire of individual states to secure through special regulations commercial advantages for themselves at the expense of neighboring states and the general trend of interstate commerce. In a very real sense, therefore, the states may be said to make interstate rates.[8] As a result, the problem of how far, in the control of railway rates, the supervision by the states of

[8] Robert Mather, "How the States Make Interstate Rates," *Annals of the American Academy of Political and Social Science*, 1908. Reprinted in W. Z. Ripley, *Railway Problems*, revised edition, 530.

their internal commerce has served to regulate and burden interstate commerce, has come to be one of the important and acute questions before the Supreme Court of the United States. The commerce clause of the Constitution has had to be re-interpreted in the light of modern conditions and recent practices, and the scope of federal authority over intrastate rates has had to be re-formulated.

Judicial Interpretation of the Commerce Clause

The present-day judicial interpretation of the commerce clause of the Constitution is the result of more than a century of development. Its virile roots are to be found in the famous opinion of Chief Justice Marshall in Gibbons v. Ogden,[9] decided in 1824. In the course of this century of growth, the American nation has secured internal unity and has achieved external expansion. Social, political, and economic changes of a revolutionary character have been gradually absorbed by the vigorous spirit of our national life. These changing conditions have brought changing interpretations of the distribution of governmental power between the nation and the states, each new application being grounded in the underlying principles of our constitutional law and presenting a continuous process of development.

To trace in detail the course of this development, even if the analysis were limited to the problem of railway regulation, is beyond the scope of this text. It will be profitable, however, to quote the *conclusions* from a re-

[9] 9 Wheat. (U. S.) 1.

cent excellent survey of the evolution of federal regulation of intrastate rates:[10]

The evolution of federal regulation of intrastate rates is properly to be traced by dividing the decisions construing the power of Congress over interstate commerce into five periods, each of which is more or less distinctly defined by reason of particular interpretations placed upon the commerce clause.

The first period dates from the adoption of the Constitution in 1789 to 1829. This period is noteworthy in that it evolved these two basic principles: First, that the actual regulation of interstate commerce by Congress excludes its regulation by the states. Second, that the power to regulate purely internal commerce rests exclusively with the states regardless of whether they actually exercise this power or not. This period will be called the Constructive Period.

The second period dates from 1829 to 1876, the year of the so-called Granger Cases. This period is noteworthy in that in addition to upholding the two basic principles of the first period, it gradually evolved, although not without great controversy, a third basic principle, namely, that in matters essentially national in their nature and requiring uniformity of regulation the exclusiveness of congressional power is not dependent upon actual exercise of that power, but arises from the very grant itself of the power; while in matters which, though affecting interstate commerce, are primarily of local interest, the power of the states to regulate is plenary in the absence of congressional action. This latter power is generally, though it would seem rather inaccurately, described as concurrent. The use of the word "concurrent" rather conveys the idea of simultaneous operation of the state and the federal power, whereas the one operates only when the other is not exercised. From the fact that the state power is dominated by, and must give way to, the federal power when exercised, it would seem perhaps more accurate to

[10] William C. Coleman, "The Evolution of Federal Regulation of Intrastate Rates: The Shreveport Rate Cases," *Harvard Law Review*, XXVIII, (November, 1914).

speak of the one power as dominant and of the other as servant. This second period will be called the States' Rights Period.

The third period, one of only ten years, dates from 1876 to 1886, the year of the decision in the case of Wabash, St. L. & P. Ry. Co. v. Illinois.[11] The decisions of this period are noteworthy in that they further extend the principle of so-called "concurrent" power to the point of saying that until Congress acts the states themselves may even regulate matters essentially national in their nature, namely, interstate rates, as well as those matters primarily of local interest. This period will be called the Extreme States' Rights Period.

The fourth period dates from 1886 down to, but not including, the so-called Minnesota Rate Cases[12] decided in 1913. During this period the decisions affirm the three principles enunciated in the first and second periods, and repudiate the Extreme States' Rights principle of the third period. This fourth period will be called the Federalistic Period.

The fifth and last period dates from the decision rendered in 1913 in the Minnesota Rate Cases to the present time, and therefore includes the decision in the Shreveport Rate Cases[13] rendered last June.[14] This period is noteworthy for the further and hitherto unknown restriction of state power. A principle never before announced is now evolved to the effect that state regulation of local rates is exclusive only until Congress acts, or, in other words, that the power of the state is servient not only in local matters affecting interstate commerce, but in the regulation of its own internal commerce as well. In short, it does not allow the corresponding usurpation of the federal government that was allowed to the states during the third or Extreme States' Rights Period, that is, regulation of intrastate rates until the states themselves regulate them, for of course that would be valueless; but it goes further and proclaims that

[11] 118 U. S. 557.

[12] 230 U. S. 352.

[13] 234 U. S. 342.

[14] That is, in June, 1914.

there may be regulation of intrastate rates by Congress to the exclusion of state regulation whenever Congress may see fit to act. In addition, with the Interstate Commerce Commission, an agent of Congress, be it noted, is primarily vested the determination of this fundamental constitutional question, namely, whether state action is to be excluded, or, in short, whether the commerce clause has been violated. This last period will be called the Period of Judicial Amendment, so radical is it in its extension of the doctrine of national supremacy.[15]

Federal Control Over Intrastate Rates

The Minnesota Rate Case and the Shreveport Case are the two important decisions from which the present status of the law may be derived. In these cases the extent of national control over local railway rates is judicially determined. In order that the problem involved in the conflict between state and federal authority in the regulation of railway rates and the existing attitude of the courts in the solution of the problem may be presented concretely, it will be useful to consider briefly the issues and results of these cases.

THE MINNESOTA RATE CASE

The main facts in the Minnesota Rate Case, decided in 1913, have been stated in an earlier chapter.[16] The stockholders of the Northern Pacific Railway Company, the Great Northern Railway Company, and the Minneapolis & St. Louis Railroad Company brought suit to restrain the enforcement of certain acts of the Minnesota legislature and of certain orders of the Minnesota Railroad and Warehouse Commission, issued in 1905 and

[15] *Harvard Law Review*, XXVIII, 36-38.

[16] See *supra*, pp. 107-110.

1906, whereby substantial reductions in freight and passenger rates were made. The chief grounds of complaint were: first, that the newly established rates were confiscatory, which claim, as we have seen, was partly upheld and partly denied by the Supreme Court; and second, that these rates were unlawfully imposed because they amounted to an unconstitutional interference with interstate commerce.

The basis of this denial of jurisdiction to the state of Minnesota and its commission was the claim, substantiated by a large mass of evidence, that these intrastate rates indirectly determined the level of interstate rates and thereby burdened interstate commerce. Although the acts of the legislature and the orders of the commission, by their terms, applied solely to the internal commerce of the state of Minnesota, the inevitable effect of the new rate adjustment was to impose an unlawful burden upon interstate commerce by creating unjust discriminations between localities in Minnesota and those in adjoining states. In fact, when the compulsory reduction in intrastate rates was put into force, the railroads involved reduced proportionately the interstate rates to nearby localities in adjoining states, in order to prevent discrimination against these localities and the loss of business that would doubtless ensue. The court's summary of part of the evidence will indicate its unanswerable strength from the purely economic standpoint:

The state line of Minnesota on the east and west runs between cities which are in close proximity. Superior, Wis., and Duluth, Minn., are side by side at the extremity of Lake Superior. Opposite one another, on the western boundary of the state, lie Grand Forks, N. D., and East Grand Forks, Minn.; Fargo, N. D., and Moorehead, Minn.; and Wahpeton, N. D., and Breckenridge,

Minn. The cities in each pair ship and receive, to and from the same localities, the same kinds of freight. The railroad companies have always put each on a parity with the other in the matter of rates, and if there were a substantial difference it would cause serious injury to the commerce of the city having the higher rate. If the Northern Pacific Company failed to maintain as low rates on traffic in and out of Superior as on that to and from Duluth, its power to transact interstate business between Superior and points in Minnesota would be seriously impaired, and the value of its property in Superior would be depreciated.

The maximum class rates fixed by the order of September 6, 1906, were from 20 per cent to 25 per cent lower than those theretofore maintained by the Northern Pacific and Great Northern companies for transportation in Wisconsin, Minnesota, and North Dakota, whether such transportation was local to one of these states or was interstate between any two of them. When the Northern Pacific Company, pursuant to this order, installed the new intrastate rates, it reduced its interstate rates between Superior and points in Minnesota to an exact parity with its rates from Duluth. Reduction was also made in the rates between both Duluth and Superior and the above-mentioned points on the western boundary, so as to put the border cities in North Dakota on an equal basis with the neighboring cities in Minnesota. This reduction was substantial; and, had it not been made, the places adjoining the boundary, but outside the state, could not have competed with those within. Although the Northern Pacific Company thereby suffered a substantial loss in revenue from its interstate business, it had the choice of submitting to that loss or suffering substantial destruction of its interstate commerce to these border localities in articles covered by the orders.

In view of these and similar facts, the lower federal court declared the acts of the Minnesota legislature and the orders of the Minnesota commission to be unconstitutional, on the ground, first, that the action of

the state of Minnesota imposed a direct burden upon interstate commerce, and, second, that it conflicted with the provisions of the Act to Regulate Commerce. The Supreme Court overruled the decision of the lower court, denying both these contentions, and upheld the validity of the state action in ordering a reduction of rates. There was no direct regulation of interstate commerce, the Supreme Court held, because the new rates were specifically applicable only to the internal commerce of the state of Minnesota; and there was no conflict with the provisions of the Act to Regulate Commerce, because purely intrastate traffic was expressly excepted from the operation of the Act.[17]

The Supreme Court did recognize, however, that "new physical conditions had produced the anomaly of a double action of legislative powers upon business which is, and which should be, economically speaking, a unit and under the control of one body, the national government. They (the Justices of the Supreme Court) appreciated the gravity of the situation, and saw that some measure was unquestionably needed to relieve the business of transportation from the confusing and destructive dominance and jealousies of numerous state commissions, whereby effective authority on the part of the Interstate Commerce Commission was vitiated."[18] Accordingly, the court declared unanimously that state regulation of intra-state rates, if it did burden interstate commerce even indirectly, was not necessarily

[17] Provided, however, That the provisions of this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one state and not shipped to or from a foreign country, from or to any state or territory as aforesaid."—Sec. 1.

[18] *Harvard Law Review*, XXVIII, 64.

supreme, state action being lawful and conclusive only in the absence of congressional action. The Minnesota rates were binding in this particular case because the federal government had taken no action with regard to them, either through Congress or through the Interstate Commerce Commission. In other words, the national power was declared to be dominant even over intrastate rates, in so far as they affect interstate commerce, provided Congress sees fit to exercise such power. While the validity of the acts and orders was upheld, it was explicitly suggested that the needed supremacy of federal authority could be lawfully secured through further legislation amending the Act to Regulate Commerce. Justice Hughes said:

> If the situation becomes such, by reason of the interblending of the interstate and intrastate operations of interstate carriers, that adequate regulation of their interstate rates cannot be maintained without imposing requirements with respect to their intrastate rates which substantially affect the former, it is for Congress to determine, within the limits of its constitutional authority over interstate commerce and its instruments, the measure of the regulation it should apply. It is the function of this court to interpret and apply the law already enacted, but not under the guise of construction to provide a more comprehensive scheme of regulation than Congress has decided upon. Nor, in the absence of federal action, may we deny effect to the laws of the state enacted within the field which it is entitled to occupy until its authority is limited through the exertion by Congress of its paramount constitutional power.[19]

The Minnesota Rate Case, then, paved the way for national supremacy in the conflict between state and federal authority, by suggesting the expedient of further legislation, declared to be constitutionally possible under

[19] 230 U. S. 432, 433.

the existing distribution of power between the nation and the states. In the Shreveport Case this end was accomplished without additional legislation.

THE SHREVEPORT CASE

Complaint was brought before the Interstate Commerce Commission in 1911, through the Railroad Commission of Louisiana, against the Texas & Pacific Railway Company, the Houston East & West Texas Railway Company, and other carriers, on the ground that these railways made rates from Dallas, Houston, and other Texas points, to places in eastern Texas, which were unduly low as compared with the rates from Shreveport, La., to these same points in Texas, and were therefore discriminatory with reference to Shreveport.

Shreveport is 231 miles from Houston and 189 miles from Dallas, in Texas, being about 40 miles east of the Texas boundary. All three places are competitors for the business of intermediate localities in eastern Texas. The rates eastward from Houston and Dallas were substantially lower than the rates westward from Shreveport, resulting in serious commercial disadvantage to the interests of Shreveport. These rates on intrastate traffic in Texas had been fixed by the Texas Railroad Commission with the avowed purpose of securing special advantages for its state traffic at the expense of neighboring localities.

The Interstate Commerce Commission, in its decision,[20] established class rates from Shreveport to certain places in Texas substantially on the same level as the intrastate Texas rates, with which order as to in-

[20] Meredith et al., constituting the Railroad Commission of Louisiana v. St. L. S. W. Ry. Co. et al., 23 I. C. C. Rep. 31.

terstate rates the railways concerned readily complied; and it declared the commodity rates which the Texas Railroad Commission had ordered from Houston and Dallas to certain Texas points, which were substantially lower than those prevailing from Shreveport to the same localities, to constitute unjust discrimination against Shreveport. The railways refused to comply with this order as to the commodity rates on the ground that it was beyond the scope of the power of the Interstate Commerce Commission to question the validity of intrastate rates that had been fixed by a state railroad commission. On appeal to the Commerce Court, the order of the Interstate Commerce Commission was upheld.[21] The case was then appealed to the Supreme Court of the United States, and the order of the Commission was attacked: first, on the ground that it was beyond the scope of federal authority to regulate intrastate rates; and, second, on the ground that the Interstate Commerce Commission was not vested with such authority, even if Congress possessed the power to regulate intrastate rates which indirectly burden interstate commerce.

The Supreme Court denied the validity of both of these contentions, upholding the order of the Interstate Commerce Commission and the decision of the Commerce Court. That the federal government possessed the power of control over intrastate rates which indirectly regulate interstate commerce, had been amply established in the Minnesota Rate Case. The important issue in the Shreveport Case was whether this authority had been exercised by Congress—in other words, whether

[21] T. & P. Ry. Co. v. U. S. (I. C. C. et al., Interveners), 205 Fed. 380 (1913); E. & W. Texas Ry. Co. et al. v. U. S. (I. C. C. et al., Interveners), 205 Fed. 391 (1913).

the Interstate Commerce Commission was clothed with sufficient power to overrule the order of a state railroad commission prescribing maximum freight rates on intrastate traffic.

The Supreme Court found that such power did reside in the Interstate Commerce Commission, in spite of the proviso in the first section of the Act to Regulate Commerce expressly excepting intrastate traffic from the operation of the law. The Commission derived this authority from its power to prevent discrimination between localities, in accordance with the provision of the third section of the Act. That there was discrimination against Shreveport, as there had been against localities adjoining the east and west boundaries of Minnesota, cannot be questioned. That this discrimination resulted from the lawful adjustment of intrastate rates was held to be immaterial. The power of Congress over interstate commerce is plenary and supreme. Congress vested in the Interstate Commerce Commission full authority to prevent unjust discrimination between localities. This authority may be exercised by the Commission whether the discriminations result from the relationship between intrastate rates, prescribed by state commissions, and interstate rates, established by federal order, or through the voluntary practices of railways engaged entirely in interstate commerce. To use the words of the Court:

> We are not unmindful of the gravity of the question that is presented when state and federal views conflict. But it was recognized at the beginning that the nation could not prosper if interstate and foreign trade were governed by many masters, and, where the interests of the freedom of interstate commerce are involved, the judgment of Congress and of the agencies it lawfully establishes must control.

The Present Status

Under the compelling stress of economic conditions, after a notable legal struggle, the dominance of federal control in railway regulation seems to be clearly established. Justice Hughes, in the Shreveport Case, has tersely indicated the broad scope of the national power in these words:

> By virtue of the comprehensive terms of the grant, the authority of Congress is at all times adequate to meet the varying exigencies that arise and to protect the national interest by securing the freedom of interstate commercial intercourse from local control.

It is not unlikely, therefore, that the chief future usefulness of the state railroad and public service commissions will be found in connection with the so-called local or municipal utilities, which are subject to no control save that of the states and of the municipalities. In these local utilities, too, the need of centralization is becoming increasingly felt, and state commissions are tending to dominate, if not to replace entirely, the activities of municipal boards. In railway regulation the prevailingly national character of American commerce and industry obviously necessitates a single unified control. By recognizing the supremacy of the federal government, acting through the Interstate Commerce Commission, the courts are gradually harmonizing legal rules and economic needs in railway regulation.

TEST QUESTIONS

1. Explain the limitations upon state and national action imposed by the Fifth and Fourteenth Amendments to the federal Constitution.
2. Distinguish between delegated and reserved powers.
3. Under what provision of the Constitution was the Interstate Commerce Commission established by Congress?
4. Distinguish between intrastate and interstate commerce, and show the close relationship existing between them.
5. Explain the basis of the conflict between state and federal authority in the regulation of railway rates.
6. Trace the varying judicial interpretations of the commerce clause, and show their bearing upon the problem of railway regulation.
7. State concisely the issues and results in the Minnesota Rate Case and in the Shreveport Case. What is the important difference between the two cases?
8. Explain carefully the present extent of federal control over intrastate rates.
9. Under what section of the Act to Regulate Commerce is the federal authority over intrastate rates exercised?

jurisdiction of each state in the regulation of railways must be confined to intrastate traffic and that interstate commerce must remain unregulated until Congress should see fit to act. The question before the court in this case was the validity of an Illinois statute which provided that if any railroad company should charge or receive the same or a greater sum for the transportation of passengers or freight of the same class within the state for any distance than it did for a longer distance in the same direction, the practice should be considered unlawful and the company should be liable to pay a penalty for unjust discrimination. The carrier made such discrimination in the transportation of goods from Peoria and Gilman, in Illinois, to New York, by charging a higher rate for the same class of goods carried from Gilman than from Peoria, although Gilman was eighty-six miles nearer to New York city than Peoria, "this difference being in the length of the lines in the State of Illinois." The court, in declaring the statute invalid as a regulation of interstate commerce, said:

> We must, therefore, hold that it is not, and never has been, the deliberate opinion of the majority of this court that a statute of a state which attempts to regulate the fares and charges by railroad companies within its limits, for a transportation which constitutes a part of commerce among the states, is a valid law.

The Wabash case is said to have put "the match to the long train of influences" making for federal action. Congress approached the problem of railway regulation with greater seriousness than it had done in 1874, and in 1887 the Act to Regulate Commerce, the basis and main structure of our system of governmental control, was enacted into law.

Its General Character

We shall see that the federal laws upon which our system of regulation is based embrace a great variety of rules and principles and provide a complex machinery for their enforcement. The main purposes of all the legislation, however, may be reduced to two. It aims *to establish reasonable rates* and *to prevent discriminatory practices.* All the provisions of the various acts are intended to promote one or another of these purposes.

In addition to the sections bearing directly upon rates and discrimination, the provisions consist of specific substantive rules, such as those dealing with rate publicity or accounting practices, compliance with which tends to make more certain the exaction of reasonable rates and the elimination of preferential treatment; or they consist of adjective rules indicating the practice and procedure to be followed by the Commission and the courts in the enforcement of the law.

The system of regulation thus established aims to achieve its purposes through administrative control. It recognizes the inadequacy of mere judicial enforcement of the common law duties of common carriers as a protection for the public interest. Direct legislative regulation, too, is conceived as spasmodic and ineffective. Railway control must be entrusted to experts and must be continuous. Its purpose is to establish a proper relationship between railway corporations and the general public and not merely to afford adequate remedies to injured passengers or shippers as individuals. The essence of public control, then, consists in the provision of just and fair standards of conduct for the future, and this can be accomplished only through administrative commissions clothed with ample authority to make spe-

cific orders as to rates and service and to enforce prompt obedience to these orders.

It is to be noted, however, that even a system of administrative regulation does not dispense entirely with legislative and judicial activity. Administrative commissions are limited to the exercise of powers expressly conferred upon them or naturally incidental to the performance of their public duties. The source of commission authority, therefore, resides in the legislature, and the extent of that authority is dependent upon legislative action. Moreover, legislatures frequently pass direct laws for the regulation of railways in addition to the statutes by virtue of which the commissions are created and the general system of control is established. Thus, the states have passed numerous maximum rate laws and many regulations covering details of train operation, car supply, character of equipment and station buildings, hours of labor, and conditions of employment, and setting up standards of safety. The federal government, too, through the direct action of Congress, has enacted special statutes dealing with safety appliances, reports of accidents, hours of service, transportation of explosives, boiler inspection, block signals, and the like.

The courts also play an important part in our systems of administrative control, state and national, because they are called upon to determine the validity of the laws under which commissions assume to act and to restrain these commissions within the scope of the authority lawfully entrusted to them. Within the limitations imposed by law, however, our commissions tend to be supreme. The real task of railway regulation is now clearly vested in the Interstate Commerce Commission and in the state railway and public service commissions.

The details of state regulation were described and

examined in a preceding chapter. We shall now trace, in brief outline, the important details of our system of federal regulation as it has developed since the enactment of the Act to Regulate Commerce in 1887.

The Act to Regulate Commerce

ORGANIZATION AND JURISDICTION OF COMMISSION

The Interstate Commerce Commission, as originally created, was composed of five members, appointed by the President, for regular terms of six years, at a salary of $7,500 for each of the commissioners, with a provision for the employment of necessary assistance. The principal office of the Commission was to be located in Washington, though sessions were authorized in any part of the United States. The changes in the organization of the Commission introduced by the Hepburn amendments of 1906 may also be here noted. The membership of the Commission was increased to seven; the tenure of office was lengthened to seven years; and the salaries were raised to $10,000.[6] On this basis the Interstate Commerce Commission is now organized.

In defining the jurisdiction of the Commission the Act was made to apply to common carriers "engaged in the transportation of persons or property wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement."[7] Independent water lines were left outside the scope of the Act, and no specific mention was made of such carriers as express companies, sleeping car

[6] Act to Regulate Commerce, amended in 1906, secs. 11, 18, and 19.

[7] This provision of the original Act to Regulate Commerce, together with certain provisions of the Panama Canal Act of August 24, 1912, constitute

companies, and pipe lines. It was provided that the term *railroad* should include bridges and ferries. The *transportation* to be covered was defined so as to include foreign and interstate traffic, and the carriage of persons or goods between territories, or states and territories, and the District of Columbia. Intraterritorial commerce was not included within the scope of the Act, and intrastate traffic was specifically excluded.[8] By the Hepburn Amendments of 1906 the Act was made to apply to intraterritorial traffic.

RATE REASONABLENESS

The Act laid down the general principle, declaratory of the common law and found in practically all state statutes then in effect, that all rates and charges must be just and reasonable and that every unjust and unreasonable charge is prohibited and declared to be unlawful. This enunciation, coupled with the provision that the Commission is authorized to execute and enforce the provisions of the Act, constituted all the direct rate-making power vested in the Interstate Commerce Commission.[9]

The anti-pooling section was doubtless incorporated in the Act as an indirect means of preventing excessive charges. It reflects the confused ideas, once largely prev-

the basis of the Commission's authority over rail and water transportation along the Great Lakes and across the Panama Canal. For a consideration of the meaning and significance of the phrase "common control, management, or arrangement," as interpreted by the Commission and the courts, see H. C. Lust, *The Act to Regulate Commerce and Supplemental Acts*, 9-13; for an analysis and discussion of the provisions of the Panama Canal Act, in so far as they affect the jurisdiction of the Interstate Commerce Commission, see *Ibid.*, 65-67, 77-78.

[8] Sec. 1.

[9] Secs. 1, 12.

alent and still current to some extent, on the efficacy of competition as a solution of the railroad problem. It provides that railways are forbidden to enter into "any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds or earnings of such railroads or any portion thereof." [10] This anti-pooling clause was one of the most earnestly debated provisions of the Act, and its repeal is now very generally urged.

DISCRIMINATORY PRACTICES

Equal charges were required for like and contemporaneous services rendered to different persons under substantially similar circumstances and conditions; and the giving of any undue or unreasonable preference or advantage to any person, concern, locality, or kind of traffic was prohibited. Each railway was also required to interchange traffic with connecting lines without discriminating between them in the adjustment of rates.

The long-and-short-haul clause made it unlawful for the railways "to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance." It was provided, however, in this fourth section, that the Commission might in its discretion relieve any carrier of the operation of the clause to such extent as it might deem advisable. The carriage of freight from the point of shipment to the point of destination was to

[10] Sec. 5.

be regarded as one haul, unless stoppage was made in good faith for some necessary purpose. This provision was intended to prevent interruptions in the continuous carriage of freight, such as might be resorted to for the purpose of making a through haul appear to be two or more local hauls. Finally certain classes of persons and of traffic were enumerated to which reduced rates or free transportation might be granted.[11]

Certain provisions of the Act were intended to aid, indirectly, in accomplishing its main purposes of establishing reasonable rates and preventing discriminatory practices. Among these are the provisions dealing with rate publicity and the general investigating powers of the Commission.

PUBLICITY OF RATES

Each carrier was to print and keep open to public inspection schedules of its rates and fares, these schedules to be posted in two conspicuous places in freight and passenger depots, "in such form that they shall be accessible to the public and can be conveniently inspected." Ten days' public notice of an advance in rates was required, and, by an amendment passed in 1889,[12] three days' notice of a reduction. Railways were compelled to file copies of their published schedules with the Commission, and were forbidden to charge or receive a greater or less compensation for any service than that specified in these schedules.

Joint tariffs were also to be filed with the Commission, which was authorized to require such publication of them

[11] Secs. 2, 3, 4, 7, and 22.

[12] Certain minor changes in the original Act to Regulate Commerce were made in 1889. These are treated here in connection with the original Act, and not separately, as are the more important amendments.

as it deemed wise. The amendment of 1889 provided for ten days' notice of an advance and three days' notice of a reduction in joint rates; it forbade carriers to depart from them; and it authorized the Commission to prescribe the form in which all schedules should be prepared and arranged for public inspection.[13]

INVESTIGATING POWERS OF COMMISSION

As an investigating body the Commission was vested with power to inquire into the management of the business of all common carriers subject to the Act, and to require by subpoena the presence and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to the matter under investigation. In case of disobedience to a subpoena, the Commission was authorized to appeal to a federal court, which was empowered, though not required, to order compliance with it. Evidence required to be given in any proceeding before the Commission could not be used against the witness in the trial of any criminal suit arising out of this proceeding.[14] The Commission was empowered to institute any inquiry on its own motion in any part of the country. Furthermore,

[13] Sec. 6.

[14] On February 11, 1893, a Compulsory Testimony Act was passed which provided that in any cause or proceeding, criminal or otherwise, based upon or growing out of alleged violations of the Act to Regulate Commerce, no person shall be excused from testifying on the ground that such testimony may tend to criminate him, but no person so testifying shall be prosecuted for, or on account of, any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any such case or proceeding. On June 30, 1906, a Supplementary Act was passed, providing that immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony or produces documentary or other evidence under oath.

the Commission was authorized to require annual reports from all carriers, determining the form of these reports, and to establish a uniform system of accounts, prescribing the manner in which such accounts shall be kept.[15]

The remainder of the Act dealt with questions of enforcement, indicating the remedies available for the injured shipper and the penalties imposed upon the offending carrier, and prescribing the practice and procedure to be followed upon complaint and in the execution of the orders of the Commission.

REMEDIES AND PENALTIES

It was provided that damage suits might be brought by persons injured by violations of the Act as private remedies, and criminal penalties were prescribed as an aid to the public enforcement of the law. Any common carrier, or whenever such common carrier was a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who wilfully violated or ignored the provisions of the Act, or who aided or abetted such deed, was to be punished by a fine of not more than five thousand dollars for each offense. By the amendment of 1889, persons guilty of the special violation involved in discrimination were to be fined as just indicated, or imprisoned for a term not exceeding two years, or subjected to both penalties at the discretion of the court.[16]

PROCEDURE UPON COMPLAINT

Persons, firms, corporations, business associations, and the like, as well as local governments and state railroad

[15] Secs. 12, 13, 19, and 20.

[16] Secs. 8, 9, 10, and 23.

commissions, were privileged to bring complaints against carriers ignoring or violating the Act. If the carriers did not make reparation for the alleged injury, or if there appeared reasonable ground for an investigation, the Commission was authorized to investigate the complaint in such manner and by such means as it should deem proper; and it was expressly provided that no complaint should be dismissed because of the absence of direct damage to the complainant.

Proceedings before the Commission were to be conducted in such manner as would "best conduce to the proper dispatch of business and to the ends of justice." The Commission was authorized to establish general rules for the regulation of its proceedings, including forms of notice and the service thereof, which were to "conform as nearly as may be to those in use in the courts of the United States." Upon completing the investigation of any complaint, it was the duty of the Commission to prepare a written report, a copy of which was to be furnished to each party involved. The findings of fact in such reports were in all judicial proceedings to "be deemed prima facie evidence as to each and every fact found." If the investigation disclosed any violation of law, the Commission was to serve, with its report, a notice to the offending carrier to desist from such violation, and was empowered to require the carrier to make reparation to any person or persons injured by its wrongful act.[17]

ENFORCEMENT

The proceedings for enforcing the orders thus issued by the Commission, in case of disobedience by the rail-

[17] Secs. 13, 14, 15, and 17.

ways, were as follows.[18] If the nature of the case was not such as to require a trial by jury under the seventh amendment to the federal Constitution, the Commission or any person interested in its decision was authorized to apply to the proper federal circuit court for an enforcing order. The court was to "hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises." If it appeared that a *lawful order* of the Commission had been violated, it was to be in the power of the court to issue a writ of injunction or other proper process enjoining obedience to the order. Punishment for contempt of court arising out of the violation of such an injunction was to consist of a fine of five hundred dollars per day for each person participating in the transgression. If the controversy was such as to demand a trial by jury, any interested person was authorized to apply to the proper circuit court, which was to summon a jury and hear the proceedings. If the parties involved agreed to waive a jury, the federal judge was himself to try the issues and render judgment.[19] Appeal lay from the lower federal courts to the Supreme Court of the United States.[20]

[18] As amended in 1889.

[19] Sec. 16.

[20] On February 11, 1903, the Expediting Act was passed. It provided that in any equity suit in a circuit court, arising under the Act to Regulate Commerce, the Anti-Trust Act, or any other act "having a like purpose," the Attorney-General, if the United States is complainant, may file a certificate that in his opinion the case is of "general public importance." Thereupon the case must "be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day." Appeals lie only to the Supreme Court and must be taken within sixty days.

The Elkins Act

Such was the Act upon the basis of which the federal system of railway control was established and upon which in the main it still rests. The original Act has, however, been considerably modified by subsequent legislation. A few minor amendments, to which reference has already been made in several connections, were passed in 1889. The first important amendments to the system of federal regulation as a whole were not enacted till 1906.

In the meantime, in 1903, the Elkins Act was passed. It was concerned almost exclusively with the problem of discrimination. It was urged by the public very largely as an anti-trust measure, on the ground that industrial monopoly was being fostered and maintained through the instrumentality of railway discriminations and would be seriously weakened if such practices were effectually prevented. The railways welcomed the measure, and lent their aid to its enactment, as a means of conserving their shrinking revenues. The Elkins Act strengthened the law against discrimination in several important respects.

It provided that the act of any officer, agent, or employee of a railway corporation, within the scope of his employment, was to be regarded as the act of the corporation, and that for any violation of the Act to Regulate Commerce both the corporation and the person responsible for the deed were to be subject to the penalties prescribed by law. Imprisonment was abolished as a penalty, on the ground that the necessary evidence for the enforcement of the provisions against discrimination could be more easily secured in the absence of so stringent a punishment.

Departure from the published schedules was made the sole test of discrimination. The wilful failure of a car-

rier to file and publish its schedules as required by law was made punishable by a fine of not less than one thousand and not more than twenty thousand dollars; and any departure or offer to depart from the rates and charges stated in the schedules properly filed was declared to be unlawful and likewise subjected the carrier to these penalties. Moreover, the shipper receiving preferential treatment as well as the carrier granting it was to be regarded as guilty of unlawful conduct. It was declared to be unlawful for any person or corporation to solicit, accept, or receive, as well as to offer, grant, or give, any rebate, concession, or discrimination, whereby property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed, or whereby any other advantage is given or discrimination practiced.

In brief, then, the Elkins Act made railway corporations as well as their officers and agents liable for discriminatory practices; it abolished the penalty of imprisonment; it declared the published tariffs to be the standards of fair rates and provided that departure from these published tariffs was to constitute the conclusive test of discrimination; and it made the shipper as well as the carrier subject to the penalties imposed for a violation of the provisions against discriminatory practices.

The Hepburn Act

The first important changes in the Act to Regulate Commerce were adopted on June 29, 1906, by the enactment of the Hepburn amendments. The Hepburn Act aimed to strengthen the entire system of federal control, both by supplementing the provisions of the original

Act, in those respects in which changed conditions made necessary the extension of federal authority, and by re-establishing the effectiveness of those provisions which had been weakened or nullified through judicial interpretation. These amendments mark the rejuvenation of the Interstate Commerce Commission, and from 1906 dates the permanent establishment of comprehensive and thorough-going administrative control of railways in the United States. We will proceed to a brief analysis of the main provisions of the Hepburn Act and a consideration of their purposes.

EXTENSION OF THE COMMISSION'S JURISDICTION

The scope of the Act to Regulate Commerce and the jurisdiction of the Interstate Commerce Commission were extended to include express companies, sleeping-car companies, and pipe-lines used in the transportation of oil or any other commodity except water or gas. The term "railroad" was declared to embrace switches, spurs, tracks, terminal facilities of every kind, freight depots, yards, and grounds. The term "transportation" was defined so as to include cars and other vehicles, all instrumentalities and facilities of shipment or carriage irrespective of ownership or contract, and "all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported." Furthermore, it was made the duty of all carriers subject to the Act to provide such transportation facilities upon reasonable request and to make them available at just and reasonable rates.

GRANTS OF AUTHORITY OVER DISCRIMINATORY PRACTICES

In spite of the substantial strengthening of the law against discrimination which resulted from the enforcement of the Elkins Act of 1903, the granting and accepting of rebates and the resort to other discriminatory practices had not entirely ceased when the Senate Committee was investigating the railroad situation in 1906 and the Hepburn amendments were under consideration. Accordingly, additional grants of power were vested in the Interstate Commerce Commission calculated to increase in effectiveness its authority over discriminatory practices. This further strengthening of the law against discrimination was secured indirectly, in large measure, through the extension of the Commission's jurisdiction, indicated above, as well as through the enactment of new legislative provisions directly aimed at the elimination of unjust preferential treatment by the railways.

The extended scope of the Act to Regulate Commerce, resulting from the express inclusion of pipe lines and sleeping-car companies within the Commission's jurisdiction and from the more precise and comprehensive definition of the terms "railroad" and "transportation," enabled the Interstate Commerce Commission to reach more successfully the Standard Oil monopoly which had been built up to such a large extent through the instrumentality of railway rebates and by the aid of its pipe lines, and it helped the Commission to prevent more effectively certain of the modern forms of railway discrimination, particularly those practiced through the operation of private car lines and the so-called "industrial railroads."

Private-car lines came under the control of the Commission because of the specific mention of sleeping-car

companies and the inclusion, in the jurisdictional section of the Act, of all instrumentalities and facilities of shipment or carriage, irrespective of ownership or contract. Moreover, the Commission was given authority over all services performed by private-car companies; and the separate publication of terminal, storage, and icing charges, as well as those for any other privileges or facilities, was expressly provided for.

The industrial railroads or tap lines came under the control of the Commission because the Act to Regulate Commerce was made to apply to switches, spurs, tracks, and terminal facilities of every kind. The Commission was empowered to establish through routes and maximum joint rates, whenever the carriers neglect to do so, and to fix reasonable switching charges and make proper apportionment of through rates. The authority of the Commission to establish reasonable maximum charges to be paid by carriers to any shipper who directly or indirectly renders any service in connection with the transportation of his goods was likewise aimed, in part at least, at the special treatment secured by favored shippers through the industrial railroads.

Moreover, it was expressly made the duty of carriers to construct switch connections under certain conditions, and authority was vested in the Commission to order such switch connections. The conditions under which this duty becomes operative were set forth substantially as follows: that upon application of any lateral branch line of railroad, or of any shipper tendering interstate traffic for transportation, common carriers must construct, maintain, and operate upon reasonable terms a switch connection with any such lateral branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is

reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and they must furnish cars for the movement of such traffic to the best of their ability without discrimination in favor of, or against, any such shipper.

The ownership of industrial enterprises by railway corporations and the vital concern of such railways in the commercial success of these enterprises have resulted in recent years in another indirect form of railway discrimination, for the successful elimination of which, existing law, in 1906, was inadequate. The nature of the abuse has been concisely described by Professor Dixon as follows:

> Another serious and elusive form of discrimination has been practiced with special success by the coal roads. By virtue of being owners of coal mines and transporters of their own products, as well as that of independent operators, they have been enabled so to manipulate their books that it has been impossible for either the Commission or the courts to decide whether the advantage which they enjoyed over independent shippers should be regarded as a discrimination granted to themselves as carriers or a loss suffered by them as producers. The extraordinary situation revealed in the affairs of the Pennsylvania Railroad by the investigation of the Interstate Commerce Commission while the rate bill was under discussion in the Senate, combined with the sentiment fostered by long-continued troubles in the coal fields, resulted in the incorporation of a radical clause. . . .[21]

This situation led to the enactment of the so-called "commodities clause" of the Hepburn Act, which sought to separate the business of transportation from ordinary

[21] Frank H. Dixon, "The Interstate Commerce Act as Amended in 1906," *Quarterly Journal of Economics*, 1906, 22-51.

commercial and industrial enterprise. By the terms of this clause it was provided that after May 1, 1908, it would be unlawful for any railroad company to transport in interstate commerce any commodity, other than timber or the manufactured products thereof, mined, manufactured, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest direct or indirect, except such articles as are necessary and intended for its use as a common carrier.

Under this commodities clause persistent and strenuous action has been taken by the federal government to bring about a relinquishment of their coal holdings by the so-called "coal roads," especially in the anthracite coal regions of Pennsylvania. Owing to the intricacies of corporate organization and the complexities of intercorporate relationships, complete success in bringing about a distinct separation between these railways as carriers and as shippers has not yet been attained, although more than seven years have now elapsed since the date fixed from which the commodities clause was to operate.[22]

The remaining provisions of the Hepburn Act bearing directly upon the problem of discrimination can be very briefly summarized. The penalty of imprisonment (for a term not exceeding two years), which had been removed by the Elkins Act, was now restored, and was specifically made applicable to shippers as well as to agents or officers of carriers guilty of discrimination. Furthermore, the

[22] An excellent discussion of the entire problem will be found in Eliot Jones, *The Anthracite Coal Combination in the United States.* A summary treatment will be found in W. Z. Ripley, *Railroads: Finance and Organization,* 534-548. Ripley, *Railroads: Rates and Regulation,* 552-556, contains a brief discussion of the judicial interpretation of the commodities clause.

federal government was given authority to collect from any shipper, in a civil suit, three times the amount of all rebates received by him in any form or through any device for a period of six years prior to the institution of the action. Both of these provisions, it is believed, strengthened the arm of the government. Finally, subject to specified exceptions, common carriers were expressly forbidden to issue or give any interstate free ticket, free pass, or free transportation for passengers; and all persons, other than those excepted, were forbidden to use the same. The penalty for violation of this provision, applicable alike to the carrier giving the free transportation and the person making use of it, was declared to be not less than one hundred dollars nor more than two thousand dollars for each offense.[23]

EXPRESS DELEGATION OF RATE-MAKING POWER

The most important and significant provisions of the Hepburn Act are those dealing with the rate-making power of the Commission. By the Maximum Freight Rate Decision, rendered in 1897, the Interstate Commerce Commission had been shorn of its power to prescribe rates.[24] Its authority was decreed to be limited to the

[23] An elaborate list of exceptions is enumerated in the Act. It has been summarized as follows: "Two general classes of exceptions are made to the application of the statute. The first class includes railroad employees and their families, officials, railroad surgeons and attorneys, and employees of agencies associated with the railroad business, such as those of the sleeping-car, express, telegraph, post office, customs, and immigration service, care-takers of live-stock, and newsboys and baggage men on trains. The second class comprises the poor and unfortunate classes and those engaged in religious and charitable work."—Frank H. Dixon, "The Interstate Commerce Act as Amended in 1906," *Quarterly Journal of Economics*, 1906, 22-51.

[24] See *supra*, pp. 91-93.

right of declaring past rates unreasonable and unlawful. The authority of fixing rates for the future, which it had exercised for a decade, from 1887 to 1897, was denied to the Commission, thereby completely nullifying its rate-making power and rendering its control over railway rates purely nominal. The chief purpose of the Act of 1906 was to remedy this situation, and the rate section of the statute constitutes the great distinctive feature of the legislation.

The rate-making power was expressly delegated, or redelegated, to the Interstate Commerce Commission by a clause providing that the Commission is empowered, and it is made its duty, whenever, after full hearing on complaint, it is of the opinion that any rates or charges (or any regulations or practices affecting rates or charges) are unjust, unreasonable, unjustly discriminatory, or otherwise in violation of the Act to Regulate Commerce, to determine and prescribe what will be the just and reasonable rates, charges, regulations, and practices to be thereafter observed and followed. The rates and fares so prescribed are to be enforced as the maximum to be charged by the railways against whom the orders are issued. These orders are to go into effect in not less than thirty days and are to remain in effect for two years or less, as determined by the Commission, unless suspended, modified, or set aside by the Commission or by a court of competent jurisdiction.

As already noted in connection with the provisions on discrimination, the power to establish through routes and joint rates, and to prescribe the division or apportionment of such rates, was likewise vested in the Commission, as well as the authority to fix the compensation to be paid by a carrier to shippers who render any service or

furnish any instrumentality used in connection with the transportation of their goods. Wilful violation of an order of the Commission prescribing rates or charges was made punishable by a fine of five thousand dollars for each offense; every distinct violation, and in case of a continuing violation each day thereof, being declared a separate offense.[25]

STRICT SUPERVISION OF ACCOUNTING PRACTICES

The provisions of the Hepburn Act conferring upon the Commission the power to exercise strict supervision of railway accounting practices have served to strengthen its authority over rates and discrimination and have provided a fundamental basis for the enforcement of the entire system of federal control.

In addition to the general power to prescribe a uniform system of railway accounts vested in the Commission by the original Act, the Interstate Commerce Commission was authorized to prescribe the forms of any and all accounts, records, and memoranda kept by common carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. Moreover, it was made unlawful for such carriers to keep any other accounts or records than those prescribed or approved by the Commission, or to alter, mutilate, or destroy any accounts or records, or to make any false entry therein.

As a means of executing these provisions the Com-

[25] In addition to the above provisions as to rates, the Act required thirty days' public notice and thirty days' notice to the Commission, of all advances and reductions in rates. This requirement was also made applicable to joint rates. The Commission was given authority to modify or suspend these publicity provisions upon adequate cause being shown.

mission was given the right to have access at all times to the accounts and records of the carriers and to employ special agents or examiners who possess the authority, under the order of the Commission, to inspect all such accounts and records. As an aid toward the enforcement of these accounting practices, heavy penalties were imposed in case of violation. Any person wilfully making false entries, or destroying, mutilating, or altering any record, or keeping any other accounts or records than those approved by the Commission was made liable to a fine of from one thousand to five thousand dollars, or imprisonment of from one to three years, or both. Any examiner who divulges information gained in his inspection except in so far as he is directed to do so by the Commission or by a court was also made liable to a fine of not more than five thousand dollars, or imprisonment for a term not exceeding two years, or both.

CHANGES IN PROCEDURE AND ENFORCEMENT

Under the original Act to Regulate Commerce, as applied in practice, there were serious defects in the procedure of the Commission and in the enforcement of the Commission's orders by the courts. In the first place, there were intolerable delays in the settlement of railway rate disputes, the real termination of all controversies being postponed till their final adjudication by the Supreme Court of the United States, which not infrequently caused a delay of a number of years. Little relief for this situation was secured through the Expediting Act of 1903 [26] because of the readiness of the federal courts to give independent consideration to the facts upon

[26] See *supra*, p. 200.

which the orders of the Interstate Commerce Commission were based, often admitting new evidence that had been purposely withheld by the defendant railways in the original hearings before the Commission. Furthermore, the courts exercised a broad power of review, which resulted in the substitution of judicial discretion, in large matters of economic policy, for the more expert judgment of the Interstate Commerce Commission.

These circumstances diminished the power and weakened the influence of the Commission. The administrative body that had apparently been created for the purpose of developing and enforcing the federal system of railway regulation came to occupy a position distinctly subordinate to that of the courts in the performance of these functions; and all investigations and hearings by the Interstate Commerce Commission came to be regarded as mere preliminary proceedings in the adjudication of railway disputes by the federal courts. To remedy this situation, in some measure, was the object of the provisions of the Hepburn Act involving changes in procedure and enforcement.

Under the original Act the carriers were at liberty to disregard an order of the Commission, without incurring liability to punishment for violation, until the Commission brought suit and secured a decision of a federal court sustaining its order. The burden of taking measures to make its orders effective was thus thrown upon the Interstate Commerce Commission. Under the Hepburn amendments the orders of the Commission become effective on the date specified by the Commission (being not less than thirty days from the date of their promulgation) and continue in operation for a period not exceeding two

years, unless modified by the Commission, or suspended, or set aside, by a court.

The necessity for action is thus thrown upon the carriers, which must obey the orders of the Commission or suffer punishment for their neglect, until they apply to a court of competent jurisdiction for relief. The Commission is authorized to grant a rehearing, for good cause, after its order has been issued, and to reverse or modify its original order upon such rehearing. Without special permission of the Commission, however, a rehearing does not operate to suspend the enforcement of the order. The penalty of five thousand dollars which is prescribed for each violation of an order of the Commission becomes operative from the date specified by the Commission for compliance with its provisions. Moreover, it was provided that the circuit and district courts of the United States may, on application of the Attorney-General at the request of the Commission, issue writs of mandamus to compel carriers to comply with the provisions of the Act to Regulate Commerce and its amendments.

The provisions of the Expediting Act were made applicable to suits brought to annul orders of the Commission, as well as to all equity proceedings instituted, as just indicated, for the enforcement of the federal statutes relating to common carriers; and it was further provided that appeals from all decrees granting injunctions in any suit must be taken within thirty days from the issue of such decrees, and that in the Supreme Court these appeals must have precedence over all other causes except proceedings of a like character and criminal cases.

In the matter of judicial review the provisions of Hepburn Act, on their face, presented a vague compromise (expressing the policy of Congress in uncertain

terms) between the demands of the conservative adherents of a broad review by the courts and the more radical advocates of narrow review. The conservatives desired the situation as it developed under the original Act to be continued, thereby retaining the most effective powers of railway control in the courts rather than in the Commission. The radicals desired the right of judicial review to be limited to questions of law, reserving to the courts only the authority of passing upon the constitutionality of the various statutory enactments and administrative orders and the right of restraining the Commission from acting beyond the scope of the powers conferred upon it. The result was a compromise, the real meaning and significance of which was itself determined by subsequent judicial interpretation and enforcement.

Provision was made for judicial proceedings to enjoin, set aside, annul, or suspend the orders of the Commission, but no direct or conclusive declaration was included as to the grounds upon which the courts were authorized to review such orders. On this basis it was provided that upon application for an injunction to enforce an order of the Commission (other than for the payment of money), the circuit court is authorized to issue a writ if it appears that an order "regularly made and duly served" has been violated. The exact meaning of the phrase "regularly made and duly served" was left for judicial determination. The provision, however, that no injunction might be issued restraining the enforcement of an order of the Commission except on a hearing after five days' notice to the Commission has afforded from the outset a substantial protection against frivolous and hasty annulment of the Commission's orders.

In fact, the relationship between the Interstate Commerce Commission and the federal courts since the enactment of the Hepburn amendments, and particularly since 1910, has become greatly improved. There has been a marked tendency on the part of the courts to recognize the supremacy of the Commission as the deliberately selected instrument of federal railway regulation, and increasingly to manifest a disinclination to interfere with the orders of the Commission on economic grounds or considerations of public policy. Soon after the adoption of the legislation of 1906 it was said:

> The fact that an order of the Commission is now effective immediately upon promulgation, and that the carrier must either obey or take steps at once to prevent the accumulation of penalties; that a rehearing before the Commission is provided for; that the duty of the Circuit Court is now to determine the regularity of the order of the Commission; and that no injunction may issue suspending an order without giving the Commission an opportunity to be heard,—all show clearly that Congress has intended to create an efficient administrative board as an arm of the legislative body. It is perfectly clear that the judicial power is expected to interfere only when the order of the Commission is *ultra vires*[27] or unconstitutional.[28]

This estimate of the significance of the provisions of the Hepburn Act introducing changes in procedure and enforcement has been amply justified by subsequent events. The courts, through their own interpretation of the legislative provisions, have unmistakably thrown their weight on the side of a narrow judicial review of the orders of the Interstate Commerce Commission.

[27] That is, beyond the scope of the powers conferred upon it.

[28] Frank H. Dixon, "The Interstate Commerce Act as Amended in 1906," *Quarterly Journal of Economics*, 1906, 22-51.

The Mann-Elkins Act

The Mann-Elkins Act of June 18, 1910, introduced the final important amendatory and supplementary provisions to the Act to Regulate Commerce. The Commerce Court, which was established by this legislation as a means of further expediting the adjudication of railway disputes and of further improving the relationship between the Interstate Commerce Commission and the courts, has since been abolished and hence possesses at this time a mere historical interest. Our discussion of the Mann-Elkins Act, therefore, will be limited to a very brief consideration of its other important provisions—dealing primarily with the extension of the Commission's jurisdiction, the suspension of rate advances, and the new long-and-short-haul clause.

FURTHER EXTENSION OF THE COMMISSION'S JURISDICTION

The application of the Act to Regulate Commerce and the jurisdiction of the Interstate Commerce Commission were further extended to telephone and telegraph companies, whether operated by wire or wireless, and to cable lines, engaged in sending messages from one state, territory, or district of the United States to any other state, territory, or district of the United States or to any foreign country. It was specifically added that the provisions of the Act are not to apply to the transmission of messages by telephone, telegraph, or cable wholly within one state and not transmitted to or from a foreign country from or to any state or territory. Those engaged in the transportation of intelligence by electricity were thus declared to be common carriers, and all of the more

important interstate utilities were thereby brought under the control of the federal government.[29]

SUSPENSION OF RATE ADVANCES

The rate-making powers of the Interstate Commerce Commission, expressly delegated by Congress in 1906 and promptly exercised by the Commission, were further augmented in the legislation of 1910 by vesting in the Commission the authority to suspend rate advances. When new rates, regulations, practices, or classifications are filed with the Commission, it is authorized, either on complaint or on its own motion, to enter upon an investigation as to their reasonableness, and, pending such investigation, to suspend their operation for a period not exceeding one hundred and twenty days beyond the time when such rates, regulations, practices, or classifications would otherwise go into effect. Moreover, if the Commission's hearing and investigation cannot be concluded within the original period of suspension (that is, within one hundred and twenty days), it is authorized to extend the time of suspension for a further period not exceeding six months. In all such rate advances, the burden of proof to show that the increased rates or proposed increased rates are just and reasonable is placed upon the common carrier. Under these provisions of the Mann-Elkins Act the notable rate advance cases of 1910 and

[29] The first section of the Act was also amended by adding the provision that it is the duty of common carriers to establish and observe just and reasonable classifications, and rules and regulations affecting rates, the issuance of tickets, receipts, bills of lading, and the handling of freight and baggage. Prior to the passage of the Mann-Elkins Act the Interstate Commerce Commission had been granted no express authority over classifications, though in practice it had uniformly exercised such authority as part of the rate-making power.

of 1913 were heard and decided, as well as the more recent petitions of the railways arising from the commercial and industrial readjustments incident to the European war of 1914.[30]

THE NEW LONG-AND-SHORT-HAUL CLAUSE

We saw that the effectiveness of the original fourth section of the Act was destroyed by judicial interpretation.[31] A lower rate for a longer than for a shorter haul under substantially similar circumstances and conditions had been prohibited; and the Commission for a period of ten years had permitted carriers to depart from the long-and-short-haul principle only if water competition, or competition of railways not subject to the Act to Regulate Commerce, existed at the more distant point. In 1897, however, by the decision of the Supreme Court in the Alabama Midland Case, it was held that the mere existence of railway competition (whether or not the railways involved were subject to federal control) constituted such dissimilarity of circumstances and conditions as to remove the case from the prohibition of the fourth section. From 1897 to 1910, therefore, the railways were virtually free to disregard the long-and-short-

[30] The legislation of 1910 also included two minor rate provisions which may be here mentioned. (1) The Commission was authorized to fix rates after a hearing held without complaint, on its own motion, being empowered, when it has instituted an inquiry on its own motion, to proceed with the same and issue such orders as it may deem necessary, just as if complaint had been previously made. (2) It was provided that, upon written request to any station agent, a carrier must give within a reasonable time a written statement as to the rate or charge applicable to a described shipment, a penalty of two hundred and fifty dollars being imposed upon the carrier if damage results from a refusal to submit such statement or from any error therein.

[31] See *supra*, pp. 134-137.

haul principle at will; and the authority of the Interstate Commerce Commission over this important and persistent form of local discrimination was judicially nullified.

The amended long-and-short-haul clause of the Mann-Elkins Act, then, constituted one of the most significant provisions of the 1910 legislation. The phrase "under substantially similar circumstances and conditions" was entirely stricken from the section. Common carriers were thus prohibited to charge or receive any greater compensation for the transportation of passengers, or of a like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, under any circumstances, without the prior authorization of the Interstate Commerce Commission. The chief source of defect in the original fourth section being removed, the long-and-short-haul clause was entirely rehabilitated. Under this new clause the so-called intermountain rate cases, involving a comprehensive readjustment of transcontinental freight rates, were heard and decided, and the Interstate Commerce Commission is proceeding gradually to remove the many anomalies of the southern rate situation.[22]

THE NEW RULE OF RATE MAKING

By the Transportation Act of 1920, the Interstate Commerce Commission was directed to make rates which would return an average of 5½ per cent on the property investment of the carriers. Congress and the nation recognized the fact that the volume of the rate is not the only important feature; the credit of the carriers must also be kept at such a level that funds shall be available for cars, locomotives, terminals, supplies, and new construction. Service to the public requires that all the elements necessary for prompt and satisfactory trans-

[22] Two other changes in the fourth section may be here noted: (1) Common carriers were prohibited to charge a greater compensation as a through rate than the aggregate of the intermediate rates over the same line or route; (2) railroads reducing rates because of water competition were prohibited to raise them again unless, after a hearing by the Interstate Commerce Commission, it is found that the proposed increase is justified by changed conditions other than the elimination of water competition.

TEST QUESTIONS

1. Trace the chief causes of federal legislation and explain their significance.

2. Indicate the general character of federal regulation, explaining its main purposes and describing the important provisions through which these purposes are sought to be accomplished.

3. Compare the essential features of legislative, judicial, and administrative railway rate control. State the functions of the legislature and the courts in the present system of federal railway regulation.

4. Describe the organization of the Interstate Commerce Commission and indicate the extent of its jurisdiction under the original Act to Regulate Commerce.

5. What were the chief provisions of the Act to Regulate Commerce with regard to rate reasonableness, discriminatory practices, and publicity requirements?

6. State the important investigating powers of the Interstate Commerce Commission. What were the main provisions of the original Act as to procedure and enforcement?

7. Enumerate the leading provisions of the Elkins Act of 1903 and explain the significance of each.

8. Why is it said that the Hepburn Amendments of 1906 mark the rejuvenation of the Interstate Commerce Commission?

9. Describe the provisions of the Hepburn Act with regard to discriminatory practices and rate-making power. Explain the importance of the provisions introducing changes in procedure and enforcement and indicate the nature of these changes.

10. Explain the character of the powers vested in the Commission by the 1906 legislation resulting in the strict supervision of accounting practices.

11. Name and describe the leading features of the Mann-Elkins Act of 1910.

12. What are the main provisions of the fourth section as amended by the 1910 legislation?

13. What three things are fundamentally essential for the safeguarding of the public interest in connection with railway enterprise?

14. Trace the development of the rate-making powers of the Interstate Commerce Commission.

portation be purchased and ready for use. The new rule for a rate level is a recognition of the principle that the public desires not merely cheap transportation, but also such adequate facilities as can be furnished only by an enterprise able to earn a profit.

In addition to this provision authority is also bestowed upon the Commission to prescribe minimum as well as maximum rates. In numerous cases the task of preventing undue discrimination had been seriously hampered by the lack of such power. Now in cases of this sort, it will not be possible for a carrier to disrupt the relationship between rate groups or producing points by a reduction in its rates below the maximum prescribed. Such a provision will go far toward making impossible the recurrence of rate wars.

Conclusion

We have traced the development of the American system of state and federal control, and have examined the various elements which compose its structure. In the course of its growth, the principles and practices of railway regulation have gradually accommodated themselves to our ever-changing social, commercial, and industrial conditions.

There emerge, however, certain broad tangible results which have become permanently incorporated in our policy of public control of railway enterprise. They are grounded in the whole of American railway experience. The railway business is public in character and intimately concerns the general welfare, so that both the right and the need of governmental control can no longer be disputed. To a large extent, nevertheless, the public interest can be secured only through honest and willing co-operation between the railways and the people. For the certain and adequate accomplishment of the ends in view, however, even with the aid of the mutual confidence and good will of the public and the public service corporations, the expert and continuous supervision of administrative commissions is necessary. Finally, since the railway service is national in scope and influence, being coextensive with the national development of commerce and industry, the supremacy of the federal government in railway regulation must be vigorously safeguarded and uniformly maintained.

15. State the chief causes of the enactment of the Hepburn Amendments of 1906 and the Mann-Elkins Act of 1910.

16. Enumerate the various utilities over which the Interstate Commerce Commission now has jurisdiction.

NOTE ON SOURCE MATERIAL

The publications of the Interstate Commerce Commission constitute the most important source material on American railway transportation. In addition to occasional documents resulting from special investigations, these publications consist of the Commission's decisions (thirty-two volumes at the present time), its annual reports to Congress, and the *Statistics of Railways in the United States* prepared each year under its supervision. The decisions and reports of the state railroad and public service commissions afford similar source material. The decisions of the California, New York, and Wisconsin commissions are especially important. The judicial records and decisions of important cases coming before the courts, state and federal, on appeal from the orders of the Interstate Commerce Commission and of the state commissions present the best evidence of the relationship between the legal and economic problems involved in railway regulation. The *Report of the United States Industrial Commission* (1902), Vols. IV, IX, and XIX, contains a mass of valuable material on American railway conditions prior to 1900. The Windom Committee investigation of 1874 (U. S.) and the Hepburn Committee investigation of 1878 (N. Y.), as well as the special Congressional hearings incident to the enactment of the more important federal laws, in 1887, 1903, 1906, and 1910, have made available a large quantity of first-hand testimony covering the entire field of railway economics and government regulation of the transportation industries.

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THE EXPRESS SERVICE AND RATES

ONE OF A SERIES OF TREATISES IN AN INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

W. H. CHANDLER
Manager, Transportation Bureau
Boston Chamber of Commerce
President, National Industrial Traffic League

PART I

DEVELOPMENT, ORGANIZATION, AND REGULATION
EXPRESS CLASSIFICATION

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· Chicago ·

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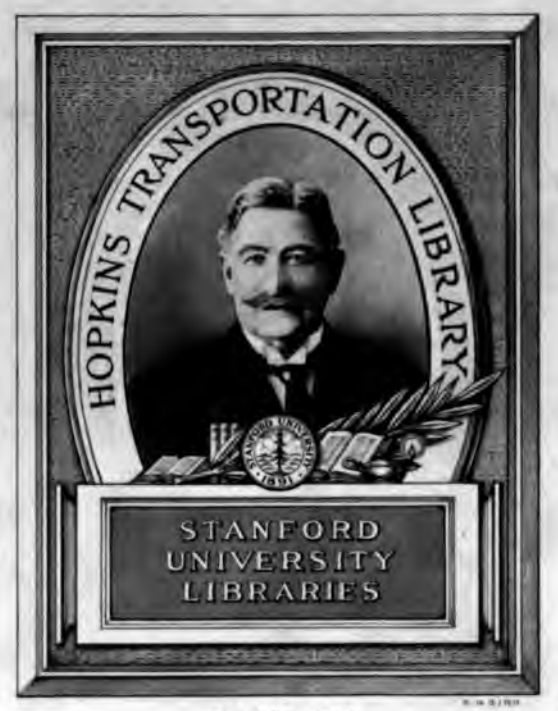

GIFT OF

Joel V. Berreman, Esq.

THE EXPRESS SERVICE AND RATES

W. H. CHANDLER
Manager, Transportation Bureau
Boston Chamber of Commerce
President, National Industrial Traffic League

La Salle Extension University
Chicago
1922 (5-252)

545003

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PREFACE

There will be found in this work reproductions of various tariffs which are used by permission of the express companies.

Up to the present time the express companies have made no charge for tariffs, although the Interstate Commerce Commission has stated that they might very properly make a charge which would represent the actual cost of printing. The reader will therefore understand that these tariffs are reproduced because of the difficulty he might experience in obtaining them and in order that he may understand how the tariffs are constructed. Unless these tariffs were included in this treatise the reader would be unable to understand a large part of the text and without them he could not obtain a sufficiently comprehensive idea of their structure (so necessary in the application of the principles set forth herein to actual practice) to enable him, as the head of a transportation department, to execute properly the work he would be constantly called upon to perform; therefore, the inclusion of this text is not only instructive but actually necessary under the circumstances.

Many joint express tariffs are published by Mr. F. G. Airy, Agent for the Express Companies, New York City.

The rates shown herein should not be relied upon for use on shipments tendered to express carriers without first being confirmed by the express agent. With this general understanding it will not be necessary to indicate in each chapter that the rates must not be used without confirmation.

Under the provisions of the Interstate Commerce Act any tariff may be changed upon giving thirty days' notice to the Interstate Commerce Commission. Frequently additions and supplements to tariffs are necessary by reason of the changing conditions. The names of stations, for example, are changed; errors are frequently discovered; additions, particularly to commodity tariffs, are found to be necessary in order to cover new business offered to the express carriers; and changes are frequently made in order that discriminations may be corrected, or in order to meet new conditions which constantly arise.

The original order of the Interstate Commerce Commission was effective February 1, 1914, and the rates prescribed were to remain in effect two years. Effective September 1, 1915, the scale rates were revised by the Commission but with this exception no material changes have taken place. Therefore, the tariffs and classifications which show these rates should remain more stable than commodity tariffs, which were not included in the investigation of the Interstate Commerce Commission. It may be found from time to time that there are certain minor errors in the order of the Commission, such as the incorrect spelling of station names. Other corrections will be necessary by reason of the change in the names of stations, and possibly some rates may be found out of line, which the Commission will authorize the express companies to modify.

A careful perusal of these tariffs will enable the reader to obtain a good general idea of express rates, but, wherever it is possible for him to do so, he should examine the public files of express tariffs, as they will enable him to understand better the different forms of express issues. It is obviously impossible in a work of this size to illustrate all or even the principal forms of commodity tariffs.

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FIRST EXPRESS ADVERTISEMENT

BOSTON AND NEW YORK

Express Car.[1]

Important to Merchants, Brokers, Booksellers, and Others.

W. F. HARNDEN,

For the last five years conductor and passenger-clerk for the Boston and Worchester Railroad Company, has made arrangements with the Providence Railroad and New York Steamboat Companies, to run a car through from Boston to New York, and *vice versa*, four times a week, commencing on Monday, 4th March. He will accompany a car himself, for the purpose of purchasing goods, collecting drafts, notes and bills. Orders of all kinds promptly attended to. He will take charge of all small packages of goods, bundles, &c., that may be intrusted to his care, and see them safely delivered, and attend to forwarding merchandise of all descriptions (except that prescribed by the Railroad Companies), if directed to his care. All packages, bundles, &c., must be sent to office, No. 9 Court street, Boston, or No. 1 Wall street, New York.

Orders may be left at J. W. Clark & Co.'s, 6 City Hall; Colman's Pavilion, Tremont street; E. C. Stowell, 7 Elm street, Boston; and at J. P. Smith & Co.'s, 30 Wall street, New York. Will leave Boston Mondays, Wednesdays, Thursdays and Saturdays, and New York the same days.

Boston, February 23, 1839.

[1] The "Car" was merely a hand valise. No through cars were run at that time. All through traffic was transferred to vessels at Providence.

THE EXPRESS SERVICE AND RATES

CHAPTER I

EARLY DEVELOPMENT OF EXPRESS SERVICE[1]

1. Historical Survey

(a) Harnden's Express Service

Express service in the United States was inaugurated by William F. Harnden, a resident of Boston and at one time a conductor on the Boston & Worcester Railroad. As is the case with many other lines of industry, it was started in a small way.

Prior to the year 1839, there was no express service, as we know it now, in this or any other country. The stage drivers conducted a service somewhat akin to express, but it was not called by that name. Whatever revenue may have been derived from this source seems to have been a perquisite of the stage driver.

Upon the completion of the Boston & Worcester and the Boston & Providence railroads, the conductors would undertake to carry parcels and do an errand business on their own account. It is stated, however, that three times as many parcels as conductors carried went by private hands without cost.

[1] The author is indebted to *Stimson's Express History* for much of the information with respect to the early history of the express service.

It was about the year 1839 that Harnden conceived the idea of establishing a service between Boston and New York that would enable residents of those cities to transact business with each other through the medium of messengers making regular trips, thus combining safety with dispatch.

Before the establishment of this service, it was customary for residents of those cities to rely to a large extent on travelers to convey packets, or even large sums of money, from one place to the other. In many cases this service was intrusted to comparative strangers, who, it seems, were willing to oblige merchants and others, even though it might not be entirely convenient to undertake the commission. "In those days if a person were going from Boston to New York, it was usually known a week or two beforehand, and his friends and acquaintances would not only send their own bundles by him, but would indicate him to others as a man who would accommodate them also."

As the volume of business between these two cities increased and better transportation facilities were offered, the necessity for some safer and more expeditious method of conducting this character of traffic was felt. Harnden, seeing this to be the case, established the first express route.

It is extremely doubtful whether he ever appreciated what beneficial results to commerce his express service would lead to, or if he ever even dreamed of the magnitude of express operations and profits in the years to come.

While it is true that the establishment of Harnden's Express was quickly followed by the establishment of other companies in other directions, and even competi-

tive with him, he seems to have held his own during his lifetime, though his profits do not appear to have been large. So far as history goes he appears to have made a good living, and that was about all.

Harnden appears to have directed his attention particularly to the foreign passenger business, and while not neglecting his local parcel traffic, undoubtedly he was of the opinion that the former was the more lucrative of the two. His early death was followed by the organization of express companies that later on developed into the large companies of today.

It would be of little value to study the history of the companies that were formed between 1839 and the early fifties. Many were successful; others were established solely for the purpose of selling out, but all of them no doubt were useful in impressing on the public mind the necessity for a safe and quick means of transportation of money, small parcels, and other such articles.

(b) Adams Enters Express Field

Alvin Adams, another pioneer, entered the express field, without capital, after an unsuccessful business experience extending over some years. He met with opposition from his friends, as well as from his competitors. He was considered an interloper; his best friends told him one express company was enough, but after 18 years he was employing 5,000 men. In 1843 two or three men and a boy made up the entire force. The delivery outfit in 1843 in New York City consisted of one pony; in 1858, of 50 men, 40 horses, and 20 wagons.

In 1849 Adams extended his service to San Francisco, by way of Panama. It is interesting to note what was charged for carrying packages at that time:

Freight, 75 cents per pound for packages not exceeding 15 pounds; for parcels of less weight, not bulky, *such price as could be agreed upon!* Three dollars for an ordinary daguerreotype; 12 dollars for a parcel not larger than a common size novel.[2]

(c) Other Early Developments

It was not until 1851 that express service was established between New York and New Orleans and Mobile.

Stimson's Express History relates with great detail the early efforts of the express companies. It outlines the territory covered and the various means of transportation used, it also gives some information with respect to the financial side of some of the earlier companies, but it is not our purpose to deal in other than a passing way with that period.

In the early days of the express service, the personal element undoubtedly largely entered into these transactions, but as the volume of business increased and the transactions became more numerous, the companies grew more independent financially. Stimson mentions the fact that as early as 1862 there were objections raised to the charges made, and complaints as to the character of service rendered by these carriers. He also adds a few rules to be observed by employes in dealing with the public, from which it may be inferred that the agents and drivers had assumed a somewhat dictatorial attitude, which, later, would be the cause of much embarrassment to the companies.

In 1887 the Interstate Commerce Act was passed, bringing the railroads under government regulation, but it was not until the year 1906 that the express companies

[2] *Stimson's Express History.*

were made amenable to that law. There had been growing a general feeling that the public should have some protection against these carriers, as interstate rates were changed without leave or hindrance of any regulating body. The public was beginning to notice the effect of such changes, and to protest against the enforcement of unreasonable rules and the establishment of practices felt to be discriminatory.

The 1906 amendment opened the way for the Interstate Commerce Commission to prescribe rules for the guidance of express companies as the Act itself had in the case of railroads. It took nineteen years for the railroads to begin to appreciate the benefits to be derived from the enforcement of the Act, and it would have been unreasonable to expect the express carriers to be in instant harmony with the Commission after fifty-nine years of unrestricted control of their business.

It was three years after the passage of the 1906 amendment before the Interstate Commerce Commission published the first report on the express companies; therefore, the 1909 report is the first record of the operation of express companies, based upon a uniform system of accounting.

2. Character of Pioneer Service

From the pioneer service of William F. Harnden's Boston and New York express to the gigantic express systems of the present embraces a period within which transportation facilities and methods have been developed to meet the tremendously increasing commercial activities of the country. The service rendered by the early pioneers was simply that of errand men, but it

possessed even then its characteristics of personal, protected, and expedited service in the dispatch and delivery of articles and personal representation in matters of a specialized nature, such as the execution of papers and the collection and payment of moneys.

3. Development Concurrent with Railroad Growth

The development of the express service has generally been concurrent with the growth of the railroads, although in the early days, and more particularly in the early development of the great West, it frequently preceded the steam railroad with its famous and romantic "stage-coach" and "pony express" service.

Formerly the nature of the article, as to value or size, determined to a large extent its transmission by express, but today the factors that usually cause commodities to be shipped by express are the expedited dispatch or the security of the service itself. Commodities of all kinds, requiring immediate dispatch, particularly those of a perishable nature, are now transported by express. The marketability of many articles at a distance from the point of shipment is dependent upon prompt dispatch and the care accorded the goods while in transit.

The express service in and of itself is not a transportation service, strictly speaking, but it is closely related to transportation, and the question of express rates involves the question of transportation rates. The chief service rendered by the express companies consists in collecting shipments intrusted to their care at points of origin, in safeguarding such shipments in transit, and in delivering them to consignees at destination. Transportation proper is furnished by the railway, or other carrier, over whose

lines the express companies conduct operations, and the expense of such transportation is included in the operating expense of those carriers.

A comprehensive understanding of this difference in the service rendered by the express company and the rail carrier will be of importance in the analysis of express rates.

CHAPTER II

ORGANIZATION, CAPITALIZATION, AND EARNINGS OF SOME OF THE PRINCIPAL COMPANIES

1. Extent of Express Service

The express service in the United States in June, 1914, covered 305,691 miles of lines. The mileage consisted of 256,183 miles of steam rail lines, 7,681 miles of electric rail lines, 40,930 miles of boat lines, and 897 miles of stage lines.

The tendency in the organization of this vast system is toward the consolidation of control into large operating corporations. The earliest form of consolidated control was through means of an unincorporated stock association; and the Adams, the American, the National, and the United States companies have retained their old financial organization as such. They are limited partnerships with a capital stock divided into shares usually without stated par value. In 1910, thirteen of the leading express companies including these four large unincorporated associations were capitalized at $204,710,037, and the gross receipts from operation were $146,116,316. Of the latter sum $69,917,562 were paid to the railways leaving $76,198,754 for the express companies. This is a comparatively small capital when the volume of business done by them is considered, but a large one when compared with the amount of capital required and actually used in the conduct of the business. For instance, the American

Express Company, in 1910, was capitalized at $18,000,000, and its gross operating income for that year was $31,810,971. However, more than half of this amount was paid to the railroads over which the company operated, leaving only $15,316,010 as total operating revenues.[1]

The mileage of the twelve operating express systems and the principal railway systems over which they operate are as follows:[2]

Adams (38,382 miles)	Chesapeake & Ohio Ry. Chicago, Burlington & Quincy R. R. Louisville & Nashville R. R. New York, New Haven & Hartford R. R. Pennsylvania R. R. System. Toledo, Peoria & Western Ry.
American (61,518 miles)	Boston & Maine R. R. Chicago & Alton R. R. Chicago, Indianapolis & Louisville Ry. Chicago and North Western Ry. Cleveland, Cincinnati, Chicago & St. Louis Ry. Illinois Central R. R. Lake Shore & Michigan Southern Ry. Michigan Central R. R. Missouri, Kansas & Texas Ry. New York Central & Hudson River R. R. Union Pacific R. R.
Canadian (10,276 miles)	Grand Trunk Ry. System.
Canadian Northern (6,387 miles)	Canadian Northern Ry.
Globe[3] (2,839 miles)	Denver & Rio Grande R. R.
Great Northern (9,333 miles)	Great Northern Ry.
National[4] (1,627 miles)	Boston & Maine R. R. Chicago & Alton R. R. Delaware & Hudson Co. New York Central & Hudson River R. R. New York, Chicago & St. Louis R. R. Toledo, St. Louis & Western R. R.

[1] Statistics of Express Companies, Government Printing Office (1912).

[2] Preliminary abstract of Common Carriers, year ending June 30, 1912, Government Printing Office (1914).

[3] The Globe Express Company has recently been absorbed by other companies.

[4] The National Express Company was leased on July 1, 1912, to American Express Company.

Northern (8,118 miles)	Northern Pacific Ry.
Southern (33,705 miles)	Atlanta, Birmingham & Atlantic R. R. Atlantic Coast Line R. R. Central of Georgia Ry. Florida East Coast Ry. Louisville & Nashville R. R. Nashville, Chattanooga & St. Louis Ry. Norfolk & Western Ry. Seaboard Air Line Ry. Southern Ry.
United States[5] (30,938 miles)	Baltimore & Ohio R. R. Baltimore & Ohio Southwestern R. R. Chicago & Eastern Illinois R. R. Chicago, Rock Island & Pacific Ry. Delaware, Lackawanna & Western R. R. Lake Shore & Michigan Southern Ry. Lehigh Valley R. R. Pere Marquette R. R. Philadelphia & Reading Ry. St. Louis & San Francisco R. R.
Wells Fargo (99,017 miles)	Atchison, Topeka & Santa Fe Ry. Chicago Great Western R. R. Chicago, Milwaukee & St. Paul Ry. Denver & Rio Grande R. R. El Paso & Southwestern R. R. Erie R. R. Missouri Pacific Ry. Southern Pacific Lines. St. Louis South-Western Ry. Texas & Pacific Ry. Wabash R. R.
Western (5,174 miles)	Duluth, South Shore & Atlantic Ry. Minneapolis, St. Paul & Sault Ste. Marie Ry.

2. Interstate Commerce Commission's Summary of Principal Companies

The history, organization, and capitalization of these twelve companies was summarized as follows by the Interstate Commerce Commission in its annual report on the Statistics of Express Companies in 1909.[6]

[5] The United States Express Company discontinued its business of common carrier on July 1, 1914, and since that time the railroads over which its contracts extended have been served by the Adams, American, Southern, and Wells Fargo express companies.

[6] The 1910 Report did not contain a similar summary.

ADAMS EXPRESS COMPANY

The Adams Express Company is a joint-stock association organized July 1, 1854, by voluntary agreement under the common law of the State of New York with 12,000 shares of interest.

The ownership is now represented by 120,000 shares of interest which have no par value. Of this number 100,000 shares were issued in 1866 to members of the association to represent each member's pro rata share of the then existing assets. These assets consisted of real property, equipment, bonds, stocks, other securities, and cash in bank. The remaining 20,000 shares were issued as a stock dividend.

In March, 1898, the company issued $12,000,000, 50-year, 4 per cent collateral trust bonds, and again, in June, 1907, issued $24,000,000, 40-year, 4 per cent collateral trust bonds, making a total bond issue of $36,000,000. The bonds were issued as a means of distribution of assets to shareholders. It thus appears that 20,000 shares and $36,000,000 in bonds have been issued as dividends to shareholders, in addition to the regular dividends.

The business of the company is governed by a board of managers, which is a self-perpetuating body. The Articles of Association provide that upon the written request of the holders of one-third of the shares, a meeting shall be called by the board of managers. At any meeting it shall be lawful to remove the president, managers, trustees, or any other officer and to appoint others in their place, but the concurrence of the holders of two-thirds of the shares issued shall be necessary to any such removal. There has never been a meeting of shareholders for the election of managers. The property and effects are in the custody of trustees who are elected by the board of managers from among its own members.

It is provided in the Articles of Association that—

> The amount of capital, surplus, and reserved fund of the association shall be as the managers may from time to time determine and as they shall deem necessary or expedient in their discretion for the conduct of the business of the association and to provide for losses and protect the shareholders against personal liability or assessment.

Taking the Adams Express Company as an illustration, it is interesting to note how it fared financially.

Originally organized with 12,000 shares, it was reorganized in 1866, at which time the partners issued to themselves 100,000 shares of the new stock. There is no evidence that any money was paid for these 100,000 shares.

In 1867 a dividend of $5.00 per share was paid; that is to say, in 1866 the original shareholders received a stock dividend of 733 per cent, and the next year $5.00 per share on the increased capitalization, equal to $41.66 per share on the old stock. Between the years 1867 and 1875 dividends on the new stock amounting to $51.00 per share were paid, and in 1875 another stock dividend of 20,000 shares was distributed. In 1875 a cash dividend of $8.00 was declared and continued for 25 years; since 1899 the dividend has varied from $4.00 to $12.00 per share.

In addition to these regular dividends, the company in 1898 issued and delivered to stockholders $12,000,000 of 4% collateral trust bonds, which equalled $100.00 for each share of stock, and again in 1907 a distribution of $24,000,000 of the same kind of bonds was made equal to $200.00 per share on the increased number of shares.

AMERICAN EXPRESS COMPANY[7]

The American Express Company is a joint-stock association organized March 18, 1850, and November 15, 1859, under the common law of the State of New York. It is a consolidated company, the American Express Company and the Merchants Union Express Company having been merged into one company named American Express Company, by articles of merger and association, dated November 25, 1868. Each of the constituent companies was an unincorporated association organized under the common law of the State of New York.

[7] Report of Interstate Commerce Commission on the Statistics of Express Companies in 1909.

The New England Despatch Company, a corporation under the laws of Massachusetts, was purchased in 1891 by the American Express Company, and, while its corporate existence has been maintained, the company, as such, has not conducted any business of its own for many years. Its earnings and expenses are merged and included in the report of the American Express Company.

Under the terms of the articles of merger and association which have been referred to, the consolidated American Express Company began business December 1, 1868, to continue for a term of thirty years, which term was extended, by action of the board of directors, May 12, 1897, for an additional thirty years from December 1, 1898.

The articles of merger and association provided that the property and interests of the company should be divided into and held in 180,000 shares, valued, for the purposes of the agreement, at $100 each. The shares of each of the two constituent companies were estimated to be of the value of $9,000,000, that being the outstanding amount at par of each of the two companies.

To the shareholders of the American Express Company was issued, share for share, $9,000,000 of the stock of the consolidated company. It was provided that there should be issued to the shareholders of the Merchants Union Express Company $9,000,000 of the stock of the consolidated company, each shareholder to receive one share upon the surrender of two shares of original Merchants Union stock or one share of the reduced stock in that company, and upon the payment of $5 each upon its original shares, or $10 each upon its reduced shares. It seems that the capitalization of the Merchants Union had at one time been $18,000,000, which had been reduced to $9,000,000.

The total cash received for the 180,000 shares at the time of consolidation was $900,000. This, together with the other assets of the two constituent companies, made the total assets of the American Express Company $5,300,000. The other assets were as follows:

Cash on hand		$ 183,819.13
Securities		1,261,023.87
Real estate	$2,200,300.00	
Less mortgages payable on same	505,143.00	
		1,695,157.00
Personal property (equipment)		1,260,000.00
Total		$4,400,000.00

CANADIAN EXPRESS COMPANY

The Canadian Express Company is a corporation, organized February 16th, 1865, pursuant to an act of the provincial legislature of the Dominion of Canada (27 and 28 Vic., cap. 23).

It has an authorized capital stock of 30,000 shares, of a par value of $100 per share, of which 15,000 shares have been issued.

CANADIAN NORTHERN EXPRESS COMPANY

The Canadian Northern Express Company is a corporation, organized June 13, 1902, under a special act (Cap. 49) of the Dominion of Canada, dated May 15, 1902. It has an authorized capital stock of 10,000 shares of a par value of $100 each, of which 3,000 shares have been issued and are outstanding. The 3,000 shares were issued for franchises.

Its principal operations were over the lines of the Canadian Northern Railway, and the principal office is located at Toronto.

GLOBE EXPRESS COMPANY [8]

The Globe Express Company was organized December 26, 1891, in the State of Colorado (see General Laws of 1877, and Amendments, Mills Annotated Statutes, sec. 472 et seq.) for a term of twenty years. This company is a corporation having an authorized capital stock of 50,000 shares at a par value of $100 per share, of which 30,007 shares are issued and outstanding. The total cash realized from the issue of stock was $25,485, and the entire issue was sold to the Denver & Rio Grande Railroad and the Rio Grande Western Railway in consideration of cash, equipment, and franchises, owned or controlled by the

[8] This company has recently been taken over by the American Express Company.

express department of the Denver & Rio Grande Railroad. The principal office of the company is at Denver, Col., and its principal operations are carried on over the lines of the Denver & Rio Grande R. R. Up to and including June 30th, 1911, dividends amounting to $1,545,360 had been paid, and on that date the company owned stock and bonds in other carriers amounting to $166,500.

GREAT NORTHERN EXPRESS COMPANY

The Great Northern Express Company is a corporation, organized January 1, 1892 (under title 2, chapter 34, General Statutes of Minnesota), for a term of thirty years. It has an authorized capital stock of 10,000 shares of a par value of $100 per share, all of which are issued and outstanding. The total cash realized from stock issued was $100,000, the remaining 9,000 shares having been issued for extension of contracts with railway companies for express privileges.

Its principal operations were conducted over the lines of the Great Northern Railway, and the principal office is at St. Paul, Minn.

NATIONAL EXPRESS COMPANY[9]

The National Express Company is a joint-stock company, organized April 1, 1895, under the common law of the State of New York. The company gives the following history of its organization:

> The National Express Company is an unincorporated association organized by the American Express Company, with a nominal capital of $500,000, of which $475,000 was issued, in the inception, to the American Express Company, the remaining $25,000 being subscribed for at par, by directors and others connected with the American Express Company under an agreement under which the American Express Company had a right to take over their shares at any time at actual cost. The only express business which it operates for its own account is the express business on the Delaware & Hudson Company; Greenwich & Johnsonville Railway; Grand Trunk Railway, between Rouses Point and Montreal and between Mooers Junction and Montreal; Keeseville, Ausable Chasm & Lake Champlain Railroad; Middleburgh & Schoharie Railroad; Hudson Navigation Company (Peoples Line steamers), between New York and Albany; and Schoharie Valley Railroad; all the rest of the business

[9] By the terms of an agreement effective July 1, 1912, the National Express Company leased its property to the American Express Company. In consideration thereof the lessee company agrees to pay the lessor company 6 per cent on its outstanding capital stock, taxes, and maintenance expenses.

carried on by said company being actually carried on by it as agent of the American Express Company and for its account. All the property which it received upon its organization it received from the American Express Company in consideration of the issue of its stock to that company, excepting the cash contribution of $25,000 above mentioned, from individual stockholders. Since the formation of this company the American Express Company has, in one or two instances, upon the death of the individual stockholders, acquired their stock at cost under the option above mentioned.

The total cash realized for the 5,000 shares was $75,500. In addition, this company received property as follows:

Personal property (equipment)	$ 25,971.90
Good will and contracts	398,528.10
Total	$424,500.00

The above, together with the $75,500 cash, made the assets of the company $500,000.

On June 30, 1909, this company was controlled by the American Express Company through ownership of 97 per cent of the shares.

NORTHERN EXPRESS COMPANY

The Northern Express Company is a corporation formed under and pursuant to the provisions of the act of the legislature of the State of New Jersey entitled "An act concerning corporations (Revision of 1896)" and the acts amendatory thereof and supplemental thereto. It was organized June 4, 1906.

This company has an authorized capital stock of 50,000 shares of a par value of $100 per share, all of which is issued and outstanding. No cash was realized from the issuance of shares, the entire issue being given in consideration of a contract between the Northern Pacific Railway and the Northern Pacific Express Company, giving exclusive rights for fifty years, assigned to this company. The principal operations were over the lines of the Northern Pacific Railway, and its principal office is at St. Paul, Minn. As the stock is practically held by one interest there is no closing of stock books.

SOUTHERN EXPRESS COMPANY

The Southern Express Company is a corporation organized July 5, 1861, under the laws of the State of Georgia. The following history of the organization is furnished by the company.

On April 8, 1861, by order of the Superior Court, Richmond County, State of Georgia, Messrs. Bones, Jackson, Thew, Plant, Whitehead, Craig, Morris, Dortic, and Pritchard, were created a body politic and corporate by the name of the Adams-Southern Express Company; the property of the association to be divided into 5,000 shares, of which 558 shares were then issued, the purpose being as set forth in the charter.

None of the original 24 shareholders of record are living, and there is no existing record to show how much was realized from the distribution.

On July 5, 1861, the same court created, on their petition, Messrs. Bones, Jackson, Thew, Plant, Whitehead, Craig, Morris, and Dortic, a body politic, beginning July 1, 1861, under the name of the Southern Express Company, for a term of fourteen years, and by consent and at the request of said petitioners the previous order of said court creating said petitioners a body politic and corporate by the name of The Adams-Southern Express Company was rescinded and annulled.

By an amendment to the articles of association on June 23, 1866, the number of shares was increased to 30,000 and distributed pro rata among the shareholders.

On May 14, 1875, the charter was renewed by the Superior Court of Richmond County for a term of fourteen years from July 1, 1875, but there were no additional shares issued or authorized.

By an amendment to the constitution adopted on the 17th of November, 1886, the number of shares was increased from 30,000 to 60,000, shareholders of record on June 30, 1887, receiving in the proportion of 5 shares of the new for 3 of the old, 50,000 shares being issued. Ten thousand of the authorized shares were never issued.

In the exchange the new certificates were dated and issued October 6, 1887.

Meanwhile, on December 21, 1886, the Southern Express Company was reincorporated by the general assembly of the State of Georgia for a term of thirty years from that date.

The shares of this company entitle the holder to a share in the entire property and profits, but have no par value either on the face of the certificate or on the books of the company.

UNITED STATES EXPRESS COMPANY[10]

The United States Express Company is a joint-stock association or partnership composed of persons associated together to do express business, each with full partnership liability for the company's obligations. It was organized April 22, 1854, in the State of New York, for a term of ten years from the 1st day of May, 1854, which term was extended on November 28, 1859, for the further term of twenty years from the 1st day of May, 1864, again extended January 23, 1884, for twenty years, and again, September 24, 1903, for twenty years from the 1st day of May, 1904.

This company states as follows:

At the time of the organization of the United States Express Company the ownership was divided into 5,000 interests. From time to time and down to March, 1876, the number of interests was increased, until at the last mentioned date the ownership was divided into 70,000 interests. There are no records in existence from which it can be ascertained how much cash was paid into the treasury at the time the certificates representing said interests were issued.

During the month of August, 1887, the number of interests was increased, so that the ownership at that time was, and since has been, represented by 100,000 interests. Of the 30,000 interests issued in August, 1887, 15,000 were given as partial consideration for the assets of the Baltimore & Ohio Express, purchased at that time by the express company. During the month of September, 1887, the remaining 15,000 interests were sold for $1,000,000, which sum was at that time paid into the treasury of the company.

The shares have no par value as the term is used in connection with corporations.

The directors of this company are a self-perpetuating body, although it is provided in the articles of association and agreement that when shareholders owning two-thirds in amount of the shares of the company shall request it in writing, a meeting of shareholders for the election of directors shall be held. No such meeting has been held since 1862.

WESTERN EXPRESS COMPANY

The Western Express Company is a corporation, organized October 30, 1894, under the laws of the State of Wisconsin

[10] On July 1, 1914, the United States Express Company retired from the business of handling shipments, and the contracts with the roads over which it operated were taken over by the Adams, American, Southern, and Wells Fargo express companies.

(chapter 86, Revised Statutes). This company has an authorized capital stock of 1,000 shares of the par value of $100 each, of which 500 shares are issued and outstanding. The total cash realized from the issue of shares was $50,000.

The principal operations were conducted over the lines of the Duluth, South Shore & Atlantic, and Minneapolis, St. Paul & Sault Ste. Marie Railways. The principal office is in Toronto, Canada.

WELLS FARGO AND COMPANY

Wells Fargo and Company is a corporation organized in the then Territory, now State, of Colorado, on February 5, 1866, as the Holladay Overland Mail and Express Company, by an act entitled "An act to incorporate the Holladay Overland Mail and Express Company," and an act supplemental thereto approved January 26, 1872. This is a consolidated company, the Pioneer Stage Company, the Overland Mail and Express Company, and Wells Fargo and Company having been merged into a corporation known as the Holladay Overland Mail and Express Company, with a capitalization of $3,000,000, afterwards increased to $15,000,000. The name of the concern was changed to Wells Fargo and Company in November, 1866. The capitalization was afterwards reduced to $5,000,000, and the company reports that this amount "is reported by the directors under oath as fully paid up. Existing records do not show whether paid up in cash, real estate, securities, or equipment, and no person now living is able to give these details." At various times later 30,000 shares, of a par value of $3,000,000, were issued as advance payments on contracts, so that on June 30, 1909, the capital stock of the company was 80,000 shares, of a par value of $8,000,000.

On December 22, 1909, the stockholders of the company voted to increase the company's stock from $8,000,000, par value, to $24,000,000. On December 23, 1909, the day following, the board of directors declared an extra dividend of $300 per share out of the accumulated surplus earnings of the company. This extra dividend on the 80,000 shares of stock outstanding amounted to $24,000,000. The following is a copy of the resolutions adopted by the board of directors of the company at their meeting on

December 23, 1909, in connection with the declaration of this extra dividend:

Resolved, That the regular semiannual dividend of 5 per cent be declared, payable on January 15, 1910, to the stockholders of record at 3 o'clock p. m. on Monday, January 3, 1910; and

That an extra dividend of three hundred dollars ($300) per share be declared, payable on Thursday, February 10, 1910, out of the accumulated surplus earnings of the company to the stockholders as registered on its books at 3 o'clock p. m. on Monday, January 3, 1910.

That for the purpose of such dividends the books of the company be closed at 3 o'clock p. m. January 3 and reopened at 10 o'clock a. m. January 16, 1910.

And further resolved, That the stockholders of the company shall be entitled to subscribe to the sixteen million dollars ($16,000,000) of new stock, the issue of which was authorized at the stockholders' meeting of December 22, 1909, at the rate of one hundred dollars ($100) per share, according to their respective holdings as registered upon the stock books of the company at 3 o'clock p. m. on Monday, January 3, 1910, viz.: In the proportion of two (2) shares of new stock for each share of old, and that the right to such subscription shall terminate at 3 o'clock p. m. on Monday, February 7, 1910, on or before which last-mentioned date and hour payment for all amounts subscribed must be made.

That certificates of stock for the amount so paid shall be issued, dated February 7, 1910, and such stock shall be entitled to all dividends thereafter declared.

That, for purposes of convenience, stockholders may, if they so desire, assign to the company a portion of their cash dividend in payment of their subscription to the new issue of stock.

This company operates over more than 150 steam roads, besides electric lines, steamboat and stage lines, among the more important being the Atchison, Topeka & Santa Fe Railway; the Erie Railroad; the St. Louis & San Francisco Railroad; and the Southern Pacific Company. The principal office is in New York, N. Y.

3. Local Express Companies

There are a large number of minor and local companies styling themselves express companies. The common practice of these local companies is to assemble packages destined for a certain office, pack them in a box which is shipped by freight, and at the point of destination deliver

the packages to consignees in the usual way. Express companies of this class are merely shippers of freight; they hold, or at least it is assumed that they hold, no special contracts with the railways; their work is exclusively that of collecting and delivery, and they are in fact only forwarders.

4. Recapitulation

The significant feature in the comparison of the gross income with the capital employed in the express business is that the gross income is largely out of proportion to the capital employed. This is due to the fact that the express companies are in truth a part of the railways, which furnish the express companies with a large portion of their operating facilities, including the actual transportation of their traffic. For the services thus furnished, the railroads demand of the express companies heavy toll, with the result that the net income of the express companies is proportionately small, while the gross earnings are large. Of the $158,591,325 of gross receipts for the year 1914, $79,906,075 were paid to the railroads. This means that more than half of the gross receipts was received by the railways.[11]

However, "The real profits of most of the leading companies have been large throughout the course of years, and are not fully indicated by the dividends and yields on their capital stock. Some of them have investments exceeding their entire capitalization, and these probably represent the profits of the past."[12]

[11] Preliminary Abstract of Railway Statistics, 1914.

[12] *Railroad Traffic and Rates* (1911), Johnson & Huebner.

CHAPTER III

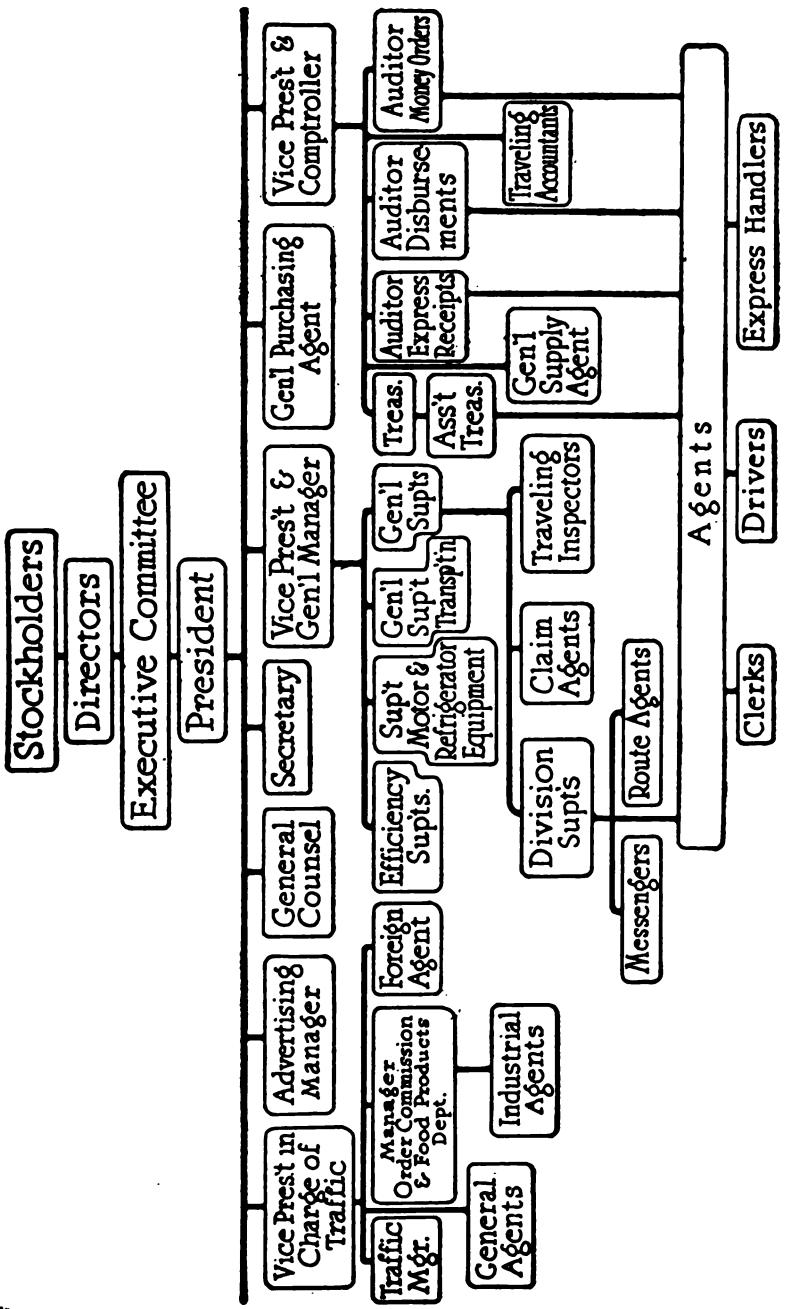
INTERNAL ORGANIZATION OF EXPRESS COMPANIES

1. General Organization

The official staff of the express company is organized along lines similar to those of any other large corporation. There is a board of directors and president, vice-president, secretary, treasurer, and other officers. Under the direction of the executive officers of the companies, a general manager ordinarily exercises authority over the entire service, although in the largest companies, whose operations extend over a wide territory, a vice-president often has general supervision over each section into which the country is divided. Under the general manager are various superintendents who have direct supervision over various departments. The accompanying chart gives a bird's-eye view of the organization of the personnel in one of the large express companies. By this chart the relation of agents and other employes to the board of directors, through the superintendent, general manager, vice-president, and president, may be seen. The details of organization in express companies vary somewhat, but the chart given shows the general relationship between the several departments.

2. Organization by Departments

Practically all large companies have a traffic department whose duty it is to make, publish, and distribute


Stockholders
Directors
Executive Committee
President
Vice Prest in Charge of Traffic
Advertising Manager
General Counsel
Secretary
Vice Prest & Gen'l Manager
Gen'l Purchasing Agent
Vice Prest & Comptroller
Traffic Mgr.
Manager Order Commission & Food Products Dept.
Foreign Agent
Efficiency Sup'ts.
Sup't Motor & Refrigerator Equipment
Gen'l Sup't Transp'tn
Gen'l Sup'ts
Treas.
Ass't Treas.
Auditor Express Receipts
Auditor Disbursements
Auditor Money Orders
Traveling Accountants
Gen'l Supply Agent
General Agents
Industrial Agents
Division Sup'ts
Claim Agents
Traveling Inspectors
Messengers
Route Agents
Agents
Clerks
Drivers
Express Handlers

rates as determined upon from time to time or as fixed by the Interstate Commerce Commission, and to build up traffic. There are usually a money order and a foreign business department, which are kept separate from the domestic merchandise traffic.

Some of the express companies maintain a separate department for their order and commission business. The object of this department is to encourage the distribution of food products and merchandise. It will locate a purchaser for a producer, and vice versa, and will attend to other commissions not specifically provided for in the classification.

Each express company maintains an auditing department, which is charged with the duty of verifying charges on waybills and distributing the revenue between the different express companies party to the through rates. It is also charged with the duty of assigning to each railroad over which it operates the revenue due on each shipment carried under its contract. This work entails great expense and the cost is one of the heaviest items of general expense.

In addition to the foregoing departments, there are others charged with the upkeep of rolling stock, motor cars, and wagons, the purchase of horses, the maintenance of terminal equipment, and the purchase of supplies, as well as other duties. In general it might be said that the internal organization of the express company is very much like that of the railroad.

3. Classes of Employes

(a) General Grouping

The employes of express companies may be classified into four general groups: those employed exclusively;

those employed in joint service with other companies; those employed in joint service with the railroads; and those employed on a commission basis and who may be engaged in some other line of business.

(b) Agents

Where the station is small, the employe of the express company with whom the public comes most frequently in contact is the agent; but at important towns and cities, where shipments are large and wagon service is given, the driver usually transacts the business with the shipper. At such places the agent is frequently unknown to many shippers, and it is seldom that the public comes in contact with anyone higher in authority than the driver or clerks unless some question arises involving loss, damage, or serious delay, in which event a special agent or adjuster will call. From this can be seen the importance of a careful selection of drivers, for upon their conduct, to a large extent, depends the attitude of the general public toward express companies.

Other representatives who occasionally come in contact with the public are route agents, special agents, and solicitors, but these employes, generally speaking, are charged with the duty of inspecting agencies, of investigating certain classes of claims, and of working up traffic for the companies.

The agent at the important stations receives a salary, but at the small towns, notably in the West and the South, he works on a commission basis. This commission is usually 10 per cent of the receipts of both incoming and outgoing business. In cases where this basis of payment is in effect the whole time of the agent is not usually devoted to the express service; he may be postmaster, general

storekeeper, or engaged in some other line of business, or he may be joint agent for the railroad and express companies.

Duties of Agents.—The duties of the express agent are many and of a responsible nature. He must receive and deliver all express matter, collect on C. O. D. shipments, attend to the issuance of financial paper such as money orders and travelers checks, attend to the order and commission business, solicit traffic for his company, and keep complete records of his office work. The extent of his force of assistants depends on the importance of his office from a traffic standpoint. The agent is under the constant eye of the auditing department, whose representatives frequently examine his records with a view, not only to keeping his records and accounts in proper shape, but also to conserving the interests of the business and stimulating traffic when possible.

(c) Messengers

Since one of the distinctive features of the express companies is the "personal care and security" factor, there is an important group of employes known as messengers, who are placed in charge of express shipments in transit. These messengers have stationary safes in the cars and in them are placed valuables and papers. The messengers are armed to protect shipments in their care.

4. Book of General Instructions

For the guidance of employes each express company through its executive officer issues a book of general instructions regulating the conduct, outlining the duties,

and defining the authority vested in each class of employes. This book is usually issued by the president, vice-president, or general manager. The president also issues special circulars from time to time.

The scope of these instructions is broad and covers in the minutest detail the duties of employes, from their personal conduct, for example, to the care of horses. As they make a fair-sized volume they can be but briefly referred to here.

Among other things they provide that each employe must be bonded before assuming active duties. Employes are forbidden to drink intoxicating liquors during office hours and its use at all other times is discouraged. Gambling is absolutely prohibited, under penalty of dismissal. The authority and duties of agents are outlined. Agents are instructed to solicit business actively and to treat all matters referring to the shipments entrusted to them as confidential. Full instructions are given relating to fire losses, suits, payment of taxes, and handling of claims. The order and commission business, the handling of money and valuables, the collection of C. O. D.'s, the issuance of travelers checks, money orders, and other financial paper, the transmission of money by telegraph or cable, and general rules relating to accounting are all treated under their respective heads in the manual of instructions. Each express employe is required to familiarize himself with the rules given and to govern himself accordingly.

CHAPTER IV

CHARACTER OF SERVICE RENDERED BY EXPRESS COMPANIES

1. Introduction

Generally speaking, the express business is conducted under five heads or departments, each of which, while dependent on the others to some extent, is of such character as to necessitate a clearly defined line of demarcation between it and the others.

It might be stated broadly that the Interstate Commerce Commission has assumed to decide points raised as to rates under only one of these divisions, i. e., that which relates to the transportation of property. It permits the express companies to establish their own rules and charges for services which do not, strictly speaking, involve transportation problems. Under this head would fall the financial, order and commission, and foreign departments.

2. Divisions of Service

The five divisions are (1) Domestic Merchandise Traffic, (2) Money Department, (3) Order and Commission Department, (4) Foreign Department, and (5) Financial Department.

Each of these divisions will be treated under its appropriate head, but a clear understanding of the difference in

the character of service given by each is necessary to avoid confusion.

(a) Domestic Merchandise

Under this head is embraced all service not rendered by the other departments. It includes practically all domestic express shipments and is the source of nearly all express revenue; figuratively speaking, it is the heart and soul of the express business.

The chief function of an express company is to transport property from place to place in the quickest possible time, and this function of the common carrier is what gives the Interstate Commerce Commission jurisdiction over these carriers. The Domestic Merchandise traffic necessitates the issuance of tariffs in conformity with rules laid down by the Commission.[1] It embraces the transportation of all commodities, except money, precious metals, and jewels, or articles which common carriers are not required by law to transport.

(b) Money Department

Through this department express companies handle currency, bullion, gold and silver coin, precious stones, bonds, negotiable paper, or articles of great value.

The C. O. D. business is also handled by this department, so far as it relates to the collection and payment of money.

Transactions involving other commissions, such as payment of bills, redemption of pledges, etc., are also handled through this channel.

[1] These rules are contained in Tariff Circular 19-A. The requirements of this circular are quite similar to those contained in Tariff Circular 18-A, which is found in the treatise on *Publication and Filing of Tariffs.*

(c) Order and Commission Department

Under this head all orders for the purchase or sale of merchandise are executed.

This department has been an active and effective agency in creating remote markets for merchandise, and it has been the pioneer, so to speak, that opened the way for great volumes of freight for the railroads.

A great deal of credit is due the express companies for the development of markets. This practice, however, has met with some opposition on the part of commission merchants, but the Interstate Commerce Commission has given its approval[2] in the following language:

> We believe, all the circumstances considered, that in the interest of growers and producers, as well as local dealers in communities served only by express companies, and in the interest of increased production in undeveloped regions and the consequent increased consumption of perishable products, the operation of the order and commission departments of the express companies should be allowed to continue.

(d) Foreign Department

The large express companies (Adams, American, and Wells Fargo) maintain a Foreign Department, in which capacity they act as forwarders. They also act as agents for importers and exporters at ports of entry, and in foreign countries, attending to the forwarding or entry of freight to or from abroad. In this capacity they render an important service to the business man located in the interior of the country, as well as to those at the seaport.

[2] 15 I. C. C. Rep., 24.

The express company is able to make lower parcel rates for the transportation of small packages to nearly all foreign countries than may be obtained from the steamship companies direct. The reason for this is that the steamship companies demand a minimum charge for each shipment; this charge will vary from $5 to $10. By contracting for space and combining many shipments, the express companies can buy transportation at wholesale and sell it at retail at a price that is cheaper than the individual can secure under the "minimum bill of lading."[3]

(e) Financial Department

The Financial Department is charged principally with the issuance of money orders, foreign remittances, letters of credit, the transmission of money by telegraph, and the issuance of travelers checks.

3. Conclusion

Each of these divisions will be treated in due course, but before undertaking this it is necessary, for a proper comprehension of the subject, to study the basis of payment by the express companies to the common carriers over which they operate for the transportation service which is rendered by such carriers, and to obtain a more comprehensive understanding of the costs which are factors in fixing express rates.

[3] "Minimum bill of lading" is the term used by steamship companies for the "minimum charge" on any shipment covered by a bill of lading.

CHAPTER V

FINANCIAL RELATIONS BETWEEN EXPRESS COMPANIES AND RAILROADS

1. Introduction

There is a relationship between certain express companies, through the direct ownership of stock, which results either in domination, as in the case of the Adams Express Company over the Southern, and the American over the National, or in the holding of influentially large blocks of stock in other companies. For instance, the Adams and American hold stock in the United States Express Company, and the Southern Express Company in turn holds stock in both the American and the Adams express companies. Private holdings also further this relationship between the companies, which is shown by the uniformity of business methods and practices.

Express companies have been frequently criticized as being but a subterfuge of the railroads to charge an exorbitant rate for a slightly elaborated transportation service, for the reason that so much of their stock is owned by railroad companies. The New York Central lines own stock in the American Express Company, which carries on the express business over its lines; the Southern Pacific Railway Company holds large amounts of stock in Wells Fargo & Company, and the same is true of other railroads, as shown hereafter.

The close relationship between the express companies and the railroads over which they operate is again emphasized by the fact that over $20,000,000 of railroad stocks are reported in the holdings of the express companies. In addition to these stock holdings, they own many millions of dollars of railroad bonds. One express company operating over the largest railroad system in the country, not only has large holdings in that company's stock, but owns stock in seventeen other railroads.

2. Statistics Showing Relation Between Express Companies and Between Express Companies and Railroads

The following tables taken from the "First Annual Report on the Statistics of Express Companies" for the year ending June 30, 1909, will show at a glance the intercorporate relationship between the express companies, and between the express companies and the railroads.

These tables should be carefully considered in connection with the chapter on "Contracts with Carriers."

Holdings of Express Companies in the Stock of Other Express Companies on June 30, 1909

Holding Corporation	Stock Held	Par Value
Adams Express Co.....	Adams Ex. Co.....(a)	$1,886,000
	American Ex. Co.....	100,000
	Dodd & Childs Ex. Co...(b)	10,000
	Dunlaps Ex. Co.....(c)	50,000
	Morris Eu. & Am. Ex. Co.	50,000
	New England Ex. Co....(c)	125
	N. Y. & Boston Despatch.(c)	100,000
	Southern Ex. Co.....(a)	650,000
	Total	$2,846,125

American Express Co.....	American Ex. Co.....	$ 840,000
	Intercolonial Ex. Co....(d)	33,300
	National Ex. Co.	484,600
	New Eng. Despatch Co..(e)	25,000
	Westcott Ex. Co.....(f)	
	Common	499,700
	Preferred	147,600
	Total	$1,530,200
Canadian Express Co.....	Intercolonial Ex. Co....(d)	$ 33,333
Southern Express Co.....	Adams Ex. Co.....	$ 118,300
	American Ex. Co.....	118,500
	Total	$ 236,800
United States Express.....	Borough Ex. Co.....(b)	$ 5,000
	Wells Fargo & Co.....	1,200
	Total	$ 6,200
Wells Fargo & Co.....	Knickerbocker Ex. Co....	$ 10,000
	Total (all companies)	$4,662,658

(a) Shares have no par value, but have been given a nominal value of $100.00 each.

(b) Local express company in New York City.

(c) Revenues and expenses are included in those of Adams Express Company.

(d) Not an operating company.

(e) Merged with the American Express Company.

(f) Baggage Express.

STATEMENT SHOWING HOLDINGS OF EXPRESS COMPANIES IN THE STOCK OF RAILWAY COMPANIES ON JUNE 30, 1909

Holding Corporation	R. R. Stock Held	Par Value
Adams Express Company	Baltimore & Ohio.....	$ 270,300
	Boston & Albany	60,000
	Boston & Providence	2,100
	Brooklyn Union Elevated ...	2,000
	Chicago & North Western ...	216,800
	Chicago, Milwaukee & St. Paul	918,800
	Delaware & Hudson	100,000
	Erie	260,000
	Iowa Central	191,000

Adams Express Co. (con'd)	Minneapolis & St. Louis	$ 100,000
	New York, New Haven & Hartford	973,000
	Norfolk & Western	3,990,000
	Northern Central Ry. Co.	257,450
	Northern Pacific Ry. Co.	200,000
	Pennsylvania R. R. Co.	2,921,400
	Southern Ry. Co.	100,000
	Union Pacific	42,000
	Total	$10,604,850
American Express Co.	Central Vermont	$ 25,000
	Chicago & North Western	2,300,000
	Chicago, St. Paul, Minn. & Omaha	100,000
	New York Central & Hudson River	1,000,000
	New York, New Haven & Hartford	3,849,300
	Northern Pacific	500,000
	Union Pacific	1,000,000
	Total	$ 8,774,300
Northern Express Co.	Colorado & Southern	$ 200,000
	Northern Pacific	40,000
	Total	$ 240,000
Southern Express Company	Chicago & Northwestern	$ 150,000
	Chicago, Milwaukee & St. Paul	150,000
	Louisville & Nashville	200,000
	Norfolk & Southern	4,000
	Northern Pacific	100,000
	Total	$ 604,000
United States Express Co.	Beech Creek	$ 20,000
	Chicago, Milwaukee & St. Paul	70,800
	Chicago, Rock Island & Pacific	29,300
	Col., Sandusky & H. Valley	5,972
	Hocking Valley	14,000
	Kalamazoo, Allegan & G. R.	10,000
	New York & Harlem	25,000
	New York Central & Hudson River	27,120

United States Exp. Co. (con'd).	Pennsylvania R. R. Co.....	41,600
	Sixth Avenue R. R.....	5,000
	Total	$ 248,792
	Total (all companies) .	$20,471,942

STATEMENT SHOWING HOLDINGS OF RAILWAY COMPANIES IN THE STOCK OF EXPRESS COMPANIES ON JUNE 30, 1909.

R. R. Holding Corporation	Stock Held	Par Value
Chicago, Burlington & Quincy.	Union Ex. Co.....(a)	$ 1,000
Denver & Rio Grande.....	Globe Ex. Co.....	3,000,000
Elpaso & Southwestern.....	S'western & Intern'l Ex.	200,000
Minn., St. Paul & S. Ste. Marie	Western Ex. Co.....	50,000
Missouri Pacific	Pacific Ex. Co.....	2,400,000
New York Cent. & Hud. River.	American Ex. Co.....	3,000,000
Northern Pacific	Northern Pacific Ex. Co.	343,000
Southern Pacific	Wells Fargo & Co.....	1,530,000
Union Pacific	Pacific Ex. Co.....	2,400,000
Wabash	Pacific Ex. Co.....	1,200,000
	Total (all companies) .	$14,124,000

CHAPTER VI

CONTRACTS WITH CARRIERS

1. Contracts with Railroads

The express business is eminently one of detail, and it is through strict attention to detail and completeness of organization, rather than through expensive plants and the investment of large sums of money, that the express business has grown to such enormous proportions. Indeed, in no other large business is it possible to earn the same gross receipts with so small an investment. The contracts with the carriers are the most valuable asset in the express business.

The express service is divided into two distinct parts: (a) the terminal service and (b) the conveyance, or transportation, service between terminals. The express companies provide and own the equipment necessary for the terminal service, but instead of operating their own instrumentalities of conveyance, they employ, as a rule, the equipment of other carriers. In employing the railroad as their agency of conveyance, they use the passenger service or its equivalent, and this rapid mode of dispatch they offer as an inducement to the shipper to pay the increased charge for their service.

(a) Provisions

Inasmuch as the express company depends upon other carriers for its conveyance service, it maintains, therefore, a certain contractual relationship with the carrier, and the salient features of the contracts in force between the railroads and the leading express companies are here presented.

The usual contract made by an express company with the railway company provides that the railway shall furnish the necessary cars, heat and light the same, and haul them over its lines, and shall furnish transportation for the employes of the express company necessary to care for the traffic in transit. At stations the railway company permits its employes to act as employes of the express company also, with certain restrictions, and permits the use of its station facilities by the express company.

The express company, on its part, assumes all risk for damage to express matter and all liability for injury to its employes, and agrees to pay the railway company a compensation for its equipment, facilities, and service, usually a fixed percentage of its gross earnings.

After the deduction of the amounts paid to the carriers for the express privileges, the remainder is available for the payment of the operating expenses, interest, taxes, and dividends of the express company.

(a) The Railroad Contract

The contract into which an express company enters before securing the exclusive privilege of operating over a line of a rail carrier varies in its terms according to the relative strength of each party to the contract. The terms

may be, in some cases and to some extent, influenced by the existing intercorporate relationship. The variation in the percentages paid by the same express company to different railroads in the same section of the country seems to support this conclusion, though denial of such influence is made by the parties to the contract. Be this as it may, there are wide variations in the contracts, from which the conclusion must be drawn that the railroads are receiving too much on the one hand or too little on the other.

The Interstate Commerce Commission, in its Opinion 1967,[1] outlined the subject clearly and concisely, as follows:

ANALYSIS OF CONTRACTS BETWEEN EXPRESS COMPANIES AND RAILWAY COMPANIES.

BASIS OF PAYMENT FOR EXPRESS PRIVILEGES.

Contracts between the express companies and the railway companies covering express privileges provide various bases of payment to the railways for their part of the transportation service, *e. g.*, on a fixed daily, monthly, or yearly payment basis; on a tonnage basis at a fixed rate per hundredweight or at a fixed multiple of the freight rate; and on a percentage basis. The prevailing basis, however, is the percentage basis, whereby specified percentages varying from 15 per cent to 70 per cent of the gross receipts of the express companies are paid to the railway companies.

For many years, however, the contracts were made on a tonnage basis. It finally become apparent to the railway companies that through the operation of the graduate scale of charges on packages of small weight, their revenues would be materially increased if the basis of contract were so changed that they might

[1] 24 I. C. C. Rep., 455 *et seq.*

share in the high rates per pound charged by express companies on packages, which under the rule of those companies took graduate charges. The change was accordingly introduced when new contracts were entered into, or when existing contracts were renewed.

On June 30, 1911, the combined operations of the Adams, American, Globe, Great Northern, Northern, Southern, United States, and Western Express companies and Wells Fargo & Company covered approximately 218,000 miles of steam railway. The following statement shows the mileage covered under the several bases and at varying percentages, as of June 30, 1911:

BASIS OF PAYMENT

	Steam railway mileage covered.
	Miles.
No compensation paid	6.12
Tonnage	4,544.34
Fixed amounts	119.26
Percentage of gross receipts:	
15 or less	63.44
20 to 35	3,570.68
40	22,817.92
40; 10 on gross business at stations	44.40
40; 10 on good will	31.90
40 on merchandise; 50 on perishable traffic	1,790.00
42	577.71
42.5	126.40
43	72.70
45	14,912.56
45 on local business; 40 on through business	1,919.73
45 on local business; 48 on through business	939.63
45 on local business; 50 on through business	129.50
47	66.00
47.5	9,845.65
Percentage of gross receipts—Continued.	
47.5 on merchandise; 50 on perishable traffic	2,850.00
48	2,219.92
50	46,498.78
50 on local business; 40 on through business	730.70
50 on local business; 45 on through business	1,789.40
51	9,147.50
52	78.01
52.5	203.06
55	58,145.91
55 on local business; 50 on through business	4,468.29
56	9,200.64
56 on local business; 50 on through business	235.00
57.5	11,087.76
60	7,344.01
70	861.74
All earnings less operating expenses	1,328.45
Operated for railway company	246.70
Total	218,008.51

The percentage basis on which most contracts for express privileges are based is especially favorable to the interests of the railway companies, since they thereby obtain the benefits of increasing traffic, protecting themselves, on the other hand, in many cases against decreases in traffic by requiring a minimum payment from the express company when the percentage of the gross receipts does not reach the guaranteed minimum. In another respect the percentage basis is even more favorable to the railway companies. An examination of the contracts shows that the express companies are, as a rule, not permitted to file tariffs of rates for noncompetitive traffic at less than a certain multiple of the railway companies' freight rates on similar commodities. This multiple is usually one and one-half times the freight rate, but in a number of instances is as high as two times and in one instance two and one-quarter times the freight rate. Inasmuch as the railway company receives its percentage on any charges which the express company may make, it should be noted that it is especially of interest to the railway company that the express company maintain its rates as high as possible. As a general statement, it is also true that no tariff of rates may be made effective by the express company before it has received the approval of the railway companies interested. Through their power to approve rates the railway companies are enabled, in so far as competitive conditions permit, to require the express companies to make such rates that the amount received as their percentage will not at any time be less than is acceptable to the railway companies.

Certain contracts, for instance those between Wells, Fargo & Company and the Southern Pacific lines, provide that in the division of through noncompetitive express business the proportion of the through rate allotted to the lines of the Southern Pacific shall not, except with the consent of the Southern Pacific Company, be less than the proportion of the current through railroad freight rates of the Southern Pacific Company between points on the lines of that company over which said express business is carried. Further, many of the contracts of the Southern Express Company contain provisions with respect to perishable traffic to the effect that on all such traffic the railway

company's return shall not be less than its full open and published tariff rates (freight) or its proportion of the same; or, again, the amount the railway company would have received had it transported such perishable traffic by freight. Such provisions suggest that it is more profitable to the railway companies to have certain traffic handled by express than through their own freight service, since the gross receipts to the railway company are the same in either case, whereas the expense of the railway company, if the traffic is handled by the express company, is considerably less, inasmuch as the express company assumes all responsibility in connection with the loading and unloading of such traffic and its protection en route, assumes all liability for loss or damage thereto, provides refrigeration if necessary, and relieves the railway company of the necessity of accounting for such traffic. This, however, is based on the assumption (which assumption is also believed to be a fact) that the saving in expense mentioned above more than offsets any extra expense to the railroad on account of the better class of equipment required and the increased speed with which such traffic is handled.

On noncompetitive matter, the express rate is, in many instances, limited by the railway to such an amount that the railway company's proportion is greater than it would receive for the same service if rendered by freight. In the case of competitive traffic the railway company insures itself against receiving less than it would receive for hauling the same traffic by freight, at the same time relieving itself of much work and responsibility in connection therewith. There are, further, many instances in connection with competitive traffic where the contracts provide that the express company, with the approval of the railway company, may quote a rate lower than the minimum specified in the contract. This suggests that the railway company recognizes that even the traffic so handled at a lower rate by the express company is a profitable traffic.

The service performed by the railway company incident to the transportation of express matter corresponds in a measure to that performed in connection with its carload freight traffic, with this exception, that for its carload business the railway must bear the expense of accounting and the liability for loss

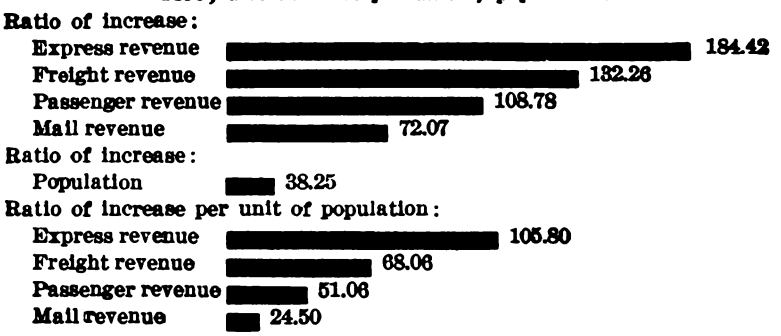
and damage, which is not true with respect to express traffic. While in general it is true that express traffic is transported more expeditiously than freight traffic, the fact must not be lost sight of that many fast freight trains between large market centers make practically the same time as express trains, if not with respect to point of speed, at least with respect to the utility of the service to the consignee.

TENDENCY OF PERCENTAGE PAYMENTS.

It is apparently true that when the percentage basis of contract first became effective, 40 per cent of the receipts from operation over the lines was the amount which express companies agreed to pay the railroad companies. This percentage was gradually increased to 45 per cent, 50 per cent, and 55 per cent, and to-day we find the Adams Express Company paying the Pennsylvania system 56 per cent as compared with 40 per cent in 1888, and the Chicago, Burlington & Quincy 57.5 per cent as compared with 47.5 per cent in 1900; and the Great Northern Express Company paying the Great Northern Railroad Company 60 per cent, while on business between Chicago and St. Paul, it pays the Chicago, Burlington & Quincy 70 per cent, as does also the Northern Express Company for privileges between the same two points. With possibly a few exceptions every contract between an important railway line and express companies which became effective, or was renewed within the past five years has called for at least 55 per cent of gross receipts.

An illustration of the effect of the increased percentage paid to railway lines may be found on the following chart. This chart shows in diagrammatic form the results obtained by a comparison of the revenues to the railroads from freight, passenger, mail and express service for the year 1910, with similar figure for 1893, and further comparisons of the increases in revenues for the respective services named with the increase in population during the same period.

Percentage of increase of revenue received by railroads from transportation of express, freight, passengers and mail for year 1910 over 1893; also increase per unit of population.



LIMITATION OF EXPRESS RATES.

In addition to the reference made above to the limitations placed on express rates to be charged the public, the following excerpts bearing on this question from the contracts on file with the Commission may be of interest:

(a.) Contract between Baltimore & Ohio Railroad Company and United States Express Company:

The express company shall not fix its rates for transportation and other services connected with express traffic between local noncompetitive points on the railroads of the railroad company at less than twice the rates charged by the railroad company for the same or similar matter upon freight trains, except, however, that the express company may make said local rate (express rates) at the same excess over freight rates which have heretofore existed between the same points on like articles.

The express company shall not fix its rates for transportation and other services connected with the express business via the railroads of the railroad company between points reached by other railroads at any less than the rates fixed by other express carriers between same points, except for reasons to the prejudice of the routes via the railroads of the railroad company.

The contract further provides, in the case of the provision first quoted, that in the event that the agreement should operate to keep the express company from obtaining its quota of business, then the railroad company will permit such modification as is acceptable to it.

(b.) Contract between the Philadelphia & Reading Railway Company and the United States Express Company:

It is further agreed that the rates on express traffic, and the rules and regulations applied thereto, established by the express company from time to time, shall be subject to the approval of the railway company, and that the express company shall furnish to the railway company, when requested, copies of tariffs in force on the lines of the railway company during the terms of this agreement; it being understood that no express rate shall be made which shall be less than two and one-quarter times the freight tariff rates on such traffic, and that, unless compelled by law, no less rate shall be charged on any article carried by the express company without the approval of the freight traffic department of the railway company first having been obtained. It is further understood and agreed, however, that in the event that an express company in competition with the United States Express Company for business between given points shall make a lower rate than is charged by the United States Express Company, and in the further event that the express company, with the cooperation and assistance of the railway company, shall fail, within a reasonable time, to induce such competing express company to establish and maintain the reasonable rate desired by the railway company, that then, and in such event, the express company shall have the right hereunder to make the same rate or rates as shall have been made and charged by such competing express company.

(c.) Contract between the Cincinnati, Hamilton & Dayton Railway Company and subsidiary lines and the United States Express Company:

This contract provides that between competitive points the railroad company permits express company to charge the same rates as competing express companies, but between noncompetitive points the rates shall not be less than one and one-half times freight rate upon the same articles, except by consent of the railroad company.

(d.) Contract between New York Central & Hudson River Railroad Company and American Express Company:

The express company agrees, as far as it has the legal right to do so, that its rates between noncompetitive points on the lines covered by this agreement shall not be less than twice the tariff of freight rates of the railroad company on the class of freight carried, without the consent in writing of the railroad company; on business carried between points competitive with other express companies the express company shall have the right to fix such rates as it may find necessary to make to secure its proper share of business (section 10).

(e.) Contract between Southern Pacific Company and Wells Fargo & Company:

The express company agrees that it will not, except with the consent of the Southern Pacific Company, carry any noncompetitive express matter over any of the lines covered by this contract at rates less than one and one-half times the railroad freight rates of the Southern Pacific Company, and that in the divisions on through express business the proportion of the through rate allotted to the lines of the Southern Pacific shall not, except with the consent of the Southern Pacific Company, be less than the proportion of the current through railroad freight rates of the Southern Pacific Company between the points over which said express business is carried (section 12).

(f.) Contract between the Norfolk & Western Railway Company and Southern Express Company:

If at any time the rates charged the public by the express company per 100 pounds for noncompetitive business shall be deemed unsatisfactory to the railroad company, then the same shall be modified to meet its views, it being understood, however, that on all business which is competitive to either express company or railway company, and matter that can be transported by United States mail, the express company may regulate and fix its own rates, but such rates shall be made known to the railway company on request, and if disapproved by it, shall be so changed as to accord with its views (section 5).

* * * and the express company is authorized to make such rates as will tend to promote such traffic (perishable), provided that such rates on all such perishable freights shall not be less (unless a lower tariff is legally enforced) than 150 per cent of the open and published public tariff freight rates on such business as promulgated by the railway company, and that the railway company shall not have less than 47.5 per cent of the gross earnings accruing from such business to the express company on the lines of the railway company, with a guarantee to the railway company that its portion as a minimum shall not be less than its full, open, and published public tariff rates or its proportion of same (section 12).

(g.) Contracts between Atlantic Coast Line Railroad Company and Seaboard Air Line Railway and Southern Express Company:

Of the gross revenue earned and collected from the transportation of perishable freight, the express company shall pay the railroad 50 per centum; * * * it being understood that the charges for transportation of perishable freight shall be so regulated by the express company that the 50 per centum paid to the railroad shall not be less upon any

article transported than the railroad would receive on same if shipped as ordinary freight.

The provisions of the contracts given above indicate that express rates are to a great extent under the control of the railway companies. Practically every existing contract in one form or another provides that the rates of the express companies are subject to the approval of the railway company. These provisions further show that the express companies have two standards for determining rates—one based on competitive conditions, the other, where competition is absent, on what the traffic will bear.

Assuming that competition still influences express rates, it is fair to assume that under normal conditions rates established under competitive conditions would not reach a point where the business must be conducted without a fair profit. To the extent, then, that express rates for noncompetitive business are higher than for competitive business, the public is required to pay an additional profit to the express company on account of absence of competition measured by the difference in the two standards of rates. It is doubtful, however, whether the public derives any benefit worth consideration by competitive conditions existing between express companies. The provision in the Baltimore & Ohio contract which prohibits the express company charging less between competitive points than rates fixed by other express companies between the same points takes away practically every incentive for competition as between the express companies. The contract between the Philadelphia & Reading Railway and the United States Express Company in effect goes even further; it fixes the rate to be charged by the express company at two and one-quarter times the freight rate on similar traffic, and to maintain this standard of rates provides that when a competing express company quotes a lower rate than the rate applied by the United States Express Company between competitive points, both the railroad company and the express company shall use their influence to induce such competing express company to maintain the rates acceptable to the railroad company.

Under such conditions it is difficult to realize how the public would derive any benefit from competitive conditions. It is also

doubtful whether the railroad and express company would have any considerable difficulty in inducing the competing express company, in the absence of other competitive conditions, to establish the standard desired by the railroad company since the increased rate would practically offset any decrease in traffic resulting from the higher rate.

PROVISIONS IN RE CONSIDERATION OF THE INTEREST OF RAILWAY COMPANIES.

Many of the contracts contain a provision whereby the express company pledges itself, in so far as it legally may, to conduct its business in such a manner that both parties to the contract shall derive as great benefit from the business as possible. In a few cases, however, the duty imposed upon the express company by the contract relative to the protection and fostering of the railway's interest is more clearly defined. Typical of such provisions are the following:

(a.) From contract between Norfolk & Western Railway and Southern Express Company:

> The express company agrees to route its freight to and from exclusive points on the lines of the railway company so as to give said railroad company its longest haul, except and only where such delay ensues by this action as will jeopardize the business. The express company also further agrees that at such terminal or other points where its business may be handled by another company, the latter will be required to carry out the meaning and intent of this provision (section 17).

(b.) From contract between Plant system of Railroads and Southern Express Company:

> The express company will endeavor to route its freight to and from exclusive points on the line of the railway so as to give said railway its longest haul (section 18).

(c.) From contract between Southern Pacific Company and Wells Fargo & Company:

> * * * it being for the interest of both parties to this contract to cooperate in securing and fostering business, the express company agrees to exert itself, so far as it lawfully may, to aid and further the interests of the Southern Pacific Company and to increase and develop the express business along the lines covered by this contract (section 11).

(d.) A somewhat different phase of this matter is presented in the following provision contained in the contracts between the lines of the Pennsylvania system and the Adams Express Company:

> * * * on all traffic carried over any of the lines of the railroad company, destined to or shipped from points beyond any of the termini thereon, the railroad company shall receive fifty-six per centum of its proportion, determined by applying to the express company's gross receipts from such traffic the percentage which the express rate over the line of the railroad company bears to the sum of the express rates of all lines traversed, from originating to terminating agency in the express company's territory, the understanding being that foreign lines, over which the express company operates under one agreement between such foreign lines and the express company, are to be treated in same manner as the lines of the railroad company. And for the purposes of this agreement the "gross receipts" shall be the receipts without deductions for or on account of gathering or delivering charges, terminal expenses, lighterage, loss or damage, or any other expense whatsoever: *Provided*, that on all traffic interchanged with the Chicago, Burlington & Quincy Railway and foreign lines in Chicago, Burlington & Quincy territory, and also with the New York, New Haven & Hartford Railroad and foreign lines in New York, New Haven & Hartford territory, the proportion of the gross receipts shall be determined by the application of the through express rate over that portion traversed of the entire Pennsylvania system, including the affiliated lines: *Provided further*, that on all traffic interchanged with the Louisville & Nashville Railroad the proportion of the gross receipts shall be determined on a mileage basis (section 10).

For a further analysis of express contracts, the reader is referred to the full report of the Commission, but the foregoing will show that the railroads have gradually increased their demands upon the express carriers until the margin left the express companies after paying operating expenses is progressing toward the vanishing point.

As will be pointed out hereafter, it is quite probable that these contracts between the railroads and the express companies will have to be revised along the lines indicated by the Interstate Commerce Commission, in order that each of these carriers may be fully recompensed for

the service performed; many of the contracts now provide that, in the event of legislation whereby the gross revenue may be seriously affected, the terms of the contract are subject to the necessary revision.

Specimen Contract.—The contract in some cases is a complex legal instrument requiring much study for a proper comprehension of it, and in other cases it is more simple. As illustrating the tonnage and percentage forms, the contracts between the Boston & Albany and the Boston & Maine railroads on the one hand and the American Express Company on the other are given.

BOSTON & ALBANY—AMERICAN EXPRESS COMPANY

This agreement, made this first day of April, 1885, by and between the *Boston & Albany Railroad Company* and the *American Express Company,* hereinafter respectively designated as the Railroad Company and the Express Company witnesseth:

That the Railroad Company agrees to furnish facilities for transporting the Express Company's freight to the extent and at the rates named below, to wit:

SECTION I

The Railroad Company will furnish five hundred (500) cubic feet per day, in each direction, but not over two hundred and fifty (250) cubic feet on any one train, in baggage cars, between Boston and Albany, to be apportioned as follows: Boston to Albany, on train 1 two hundred and fifty (250) cubic feet; Boston to Springfield, on train 109, two hundred and fifty (250) cubic feet; Springfield to Albany, on train 19, two hundred and fifty (250) cubic feet; Albany to Boston, on train 32, one hundred and twenty-five (125) cubic feet; Albany to Boston, on train 42, one hundred and twenty-five (125) cubic feet; Albany to Springfield, on train 56, two hundred and fifty (250) cubic feet; Springfield to Boston, on train 56, one hundred and twenty-five cubic feet; Springfield to Boston, on train 24, one hundred and twenty-five (125) cubic feet; the Express Company paying therefore at the rate of five thousand dollars

($5,000.00) per month, and for all of its freight carried in any of these baggage cars, and not loaded within the space allowed in each, at the rate of fifty (50) cents per 100 lbs. for any distance. The Railroad Company reserves the right to change the apportionment of the space furnished, but will give proper consideration to the wishes of the Express Company on this subject.

SECTION II

The Railroad Company will furnish space in the baggage cars run on its branch roads as follows: On the Pittsfield & North Adams Branch, one hundred and fifty (150) cubic feet, on three trains, each way, daily between Pittsfield and North Adams, the Express Company paying therefor at the rate of two hundred and fifty dollars ($250.00) per month; on the Athol Branch, one hundred and fifty (150) cubic feet, on all passenger trains, the Express Company paying therefor at the rate of one hundred dollars ($100) per month; on the Ware River Railroad one hundred and fifty (150) cubic feet, on one train, each way, daily, between Gilbertville and Winchendon, and one hundred and fifty (150) cubic feet, on two trains, each way, daily, between Gilbertville and Palmer, the Express Company paying therefor at the rate of one hundred and seventy-five dollars ($175.00) per month; on the North Brookfield Branch one hundred and fifty (150) cubic feet, on all passenger trains, the Express Company paying therefor at the rate of thirty-three dollars and thirty-four cents ($33.34) per month; on the Spencer Branch one hundred and fifty (150) cubic feet, on all passenger trains, the express company paying therefor at the rate of twenty-five dollars ($25.00) per month.

SECTION III

The Railroad Company will furnish, daily, an express car of 45 feet in length, each way, between Boston and Albany, to be run on trains 49 and 14, the Express Company to pay therefor at the rate of one hundred and twenty-two dollars and forty cents ($122.40) per day; but, whenever the quantity of freight carried in this car, in either direction, exceeds eighteen thousand (18,000) pounds per day, the Express Company is to pay at the rate of thirty-four cents per 100 lbs.; it is understood that, in

accounting for the tonnage carried in this car, the Express Company will include the weight of all freight loaded at stations between Boston and Albany in addition to the freight loaded at Boston or at Albany.

SECTION IV

The Railroad Company will furnish, on the request of the Express Company, an express car of 30 feet in length, from Boston to Albany, to be run on train 31, or from Albany to Boston, to be run on train 2, the Express Company to pay therefor at the rate of forty-seven dollars and sixty cents ($47.60) from Boston to Albany, or from Albany to Boston, but whenever the quantity of freight carried in this car, in either direction, exceeds fourteen thousand (14,000) lbs. per day, the Express Company is to pay at the rate of thirty-four cents (34) per 100 lbs., and is to use the same method of accounting for the tonnage as is specified in Section III. If the Express Company desires to use this car in one direction only, it is to pay for its return the rate of twelve (12) cents per mile. When no express car is run on train 31, the Express Company may use the baggage car in common with the Railroad Company, provided that this can be done without any inconvenience to the Railroad Company, and is to pay therefor at the rate of fifty (50) cents per 100 lbs., for any distance.

SECTION V

The Express Company is to pay, for extra cars run, in either direction, between Boston and Albany, or Springfield and Albany, the rate of thirty-four (34) cents per 100 lbs. for freight carried in such cars, but the minimum charge for this service is to be sixty-one dollars and twenty cents ($61.20) per car of 45 feet in length, and forty-seven dollars and sixty cents ($47.60) per car of thirty feet in length, in each direction, and if the cars are returned empty, the Express Company is to pay the rate of twelve (12) cents per mile.

SECTION VI

The Express Company is to pay, for all freight not hereinbefore provided for, carried on passenger trains, in the baggage

cars used by it in common with the Railroad Company, fifty (50) cents per 100 lbs., for any distance.

SECTION VII

It is understood that the rates paid by the Express Company under this contract include the transportation of one of the messengers of the Express Company with each express car carrying its freight or with each baggage car in which the space prescribed in Sections I and II is furnished to the Express Company.

SECTION VIII

If the baggage or express cars of the Railroad Company are run through to Buffalo, or other points west of Albany, the Express Company is to pay an additional charge of two (2) cents per mile; but from this shall be deducted any allowance for mileage on these cars made by the roads west of Albany over which they run. If the New York Central and Hudson River Railroad Company shall furnish enough of these cars for the joint business with the B. and A. Railroad Company to balance the mileage upon the cars which are hauled by it, no charge for car-service shall be made by the Railroad Company to the Express Company for this service.

SECTION IX

The Express Company is to convey without charge to the Railroad Company all remittances of money addressed to any of the officers or agents of the Railroad Company, when relating to the business of the Railroad Company.

SECTION X

The Express Company is to load and unload its freight, to assume all liability for loss or damage of the same, or for injury to the employes of the Express Company while in the cars, or on the road or premises of the Railroad Company.

SECTION XI

It is understood that the local business between Boston and Worcester and stations on the line of the Railroad Company east of Worcester, or between those stations, in either direction, shall not be done by the Express Company.

SECTION XII

The Express Company is to settle monthly the bills which are rendered it by the Railroad Company under this contract.

SECTION XIII

The Railroad Company is to give no lower rates than those herein specified for similar facilities furnished to anyone doing an express business on its trains within the territory covered by the Express Company.

SECTION XIV

This contract is to remain in force until April 1st, 1886, and may be terminated thereafter by either party hereto giving thirty days' notice in writing.

In witness whereof, the said parties have hereto interchangeably set their hands, said Railroad Company by Arthur Mills, its General Traffic Manager, hereto duly authorized, and said Express Company by James Eggleston, its General Superintendent, North Eastern Division, hereto duly authorized.

(Signed) BOSTON & ALBANY RAILROAD CO.,
By Arthur Mills, General Traffic Manager.
AMERICAN EXPRESS COMPANY,
By Jas. Eggleston, G. Supt. No. E. Div.

BOSTON & MAINE—AMERICAN EXPRESS CONTRACT

THIS AGREEMENT made this eleventh day of January, nineteen hundred and fifteen, by and between the *Boston & Maine Railroad,* hereinafter called the Railroad, party of the first part, and the *American Express Company,* an association organized under the common-law right of contract having its principal place of business in New York City, hereinafter called the Express Company, party of the second part:

WITNESSETH:

First: That the Railroad, for and in consideration of the stipulations, conditions and agreements hereinafter contained, hereby covenants and agrees to let and demise and by these presents does let and demise to the Express Company the exclusive right and privilege so far as the Railroad has the legal right to let such exclusive right and privilege to any one party, to control, conduct and transact all the express transportation business that may be offered to or controlled by either of the parties hereto over and upon the passenger trains of said Railroad upon its main lines, its branches, extensions and leaseholds, and all other railroads which are now or which may hereafter be operated or leased by it subject to the conditions hereinafter contained.

Second: And for the prosecution of said express transportation business as aforesaid, the said Railroad agrees to provide and furnish at its own expense for the use and benefit of the said Express Company a sufficient space either in the baggage cars or other cars especially set apart for the exclusive use of the Express Company to accommodate the business of the Express Company and to haul same with speed and dispatch upon any and all passenger trains of the Railroad which are now or may hereafter be run or by special trains when found necessary for the proper and immediate transportation of all the matter the said Express Company may desire to forward, and to allow the Express Company reasonable time in which to load and unload such goods and valuables as it may have to load and unload into or from cars on the various trains of said Railroad at each of the stations at which the trains are scheduled to stop, excepting as follows: Should the said Railroad hereafter run any fast trains on its system on which the business of the said Express Company cannot be done without detriment to the said Railroad, the Railroad reserves the right to determine and decline to receive the business of the Express Company on said fast trains, but it is understood and agreed that the Express Company shall have privileges and accommodations upon trains of the Railroad

that shall not be less or inferior to those furnished by the said Railroad for the year 1906.

The Railroad further agrees to warm and light such cars so furnished for the accommodation of the Express Company in the same manner that the Railroad warms and lights its passenger and baggage cars whenever it becomes necessary to do so.

Third: The Railroad further agrees to furnish to the Express Company all requisite, reasonable and necessary facilities, conveniences and rooms in and connected with its stations and depots for the care and handling of its express matter and the loading and unloading thereof into and from the cars with a view to the prompt dispatch of its business, all in consideration of the performance by the Express Company of the covenants and agreements herein contained on its part to be performed and without other or further payment by it, excepting as follows: The Express Company shall pay to the Railroad, eighteen hundred dollars ($1,800) per year for use of its office rooms in second story of the new Union Passenger Station, Boston, Mass.; twenty-nine hundred dollars ($2,900) for building at Lynn, Mass.; one hundred and thirty dollars ($130) for building at Portsmouth, N. H.; three hundred and fifty-four dollars ($354) for building at Holyoke, Mass.; eighty-four dollars ($84) for room at Franklyn Falls, N. H.; seventy-five dollars ($75) for room at Tilton, N. H.; six hundred and ninety-four dollars ($694) for building at Lowell, Mass.; two hundred and forty-six dollars ($246) for part of building at Rochester, N. H.; seventy-eight dollars ($78) for room at Woodville, N. H.; sixty dollars ($60) for room at Newport, Vt.; one hundred and sixty-five dollars ($165) for room at St. Johnsboro, Vt.; one hundred and sixty-eight dollars ($168) for room at Nashua, N. Y.; six hundred dollars ($600) for room at Fitchburg, Mass.; such rentals to include the heating of buildings and rooms, and for such other like special accommodations as shall be furnished in the future at rates which may be mutually agreed upon and in addition thereto shall pay the cost to the Railroad of lighting all rooms set apart for the exclusive use of the Express Company at all points covered by this contract.

Fourth: The Railroad agrees that the Express Company may

from time to time employ station agents and baggagemen of the said Railroad to act as agents and express messengers of the said Express Company by and with the consent and approval of the proper official of the Railroad, provided that such employment does not interfere with the full and prompt discharge of their duties to the Railroad by such agents and baggagemen, and the Express Company agrees that it shall, excepting as hereinafter provided, be solely and entirely responsible for all the acts of such agents by them done or committed in the scope of their employment as such express agents or express messengers, compensation for any such service to be paid to the agents or baggagemen direct, the Railroad agreeing that such joint employe shall be required to conform to the rules of the Express Company.

Fifth: The Railroad Company further agrees so far as it can legally do so that it will protect and maintain the Express Company in full possession and enjoyment of its rights and privileges under this contract and the Railroad further agrees that it will not transport valuables, money, goods, or property of any description on any of its passenger trains for hire, or permit its employes so to do, except such articles as are transported by the Railroad under existing contracts with local expresses and with the New England Telephone and Telegraph Company, the Western Union Telegraph Company, the Bell Telephone Company of Canada, Limited, the G. W. Armstrong Dining Room and News Company, the club hiring the so-called "Flying Fisherman" special train, or such articles as may be transported under renewals or substitutes of same, also such articles as are usually and ordinarily transported by said Railroad, such as personal baggage and sample trunks or passengers accompanying same, United States and Canadian mails and mail equipment, corpses, milk and cream traffic, mail supplies of said Railroad, scenery and appurtenances (horses and other animals included) or theatrical or show companies when accompanied by passengers or when preceded or followed by passengers within a reasonable time, daily and Sunday papers, fish from Gloucester to Boston in fish cars set apart for that particular purpose and run substantially as such cars are being run at the date of the inception of this contract.

Sixth: The Railroad agrees to transport upon its lines officers, agents and messengers of the Express Company traveling in the interests or upon the business of the Express Company.

The Express Company assumes all risk of accident or loss to the express matter while in transit, excepting when such damage shall result from the negligence of the employes of the Railroad.

And the Express Company further agrees to indemnify and save harmless the Railroad from all claims which may be made on account of the acts or omissions of the agents of said Express Company while acting in the scope of their employment.

And the Express Company further agrees to indemnify and save harmless the Railroad from all claims for property, injury to or death of person, which may be made by the officers, agents or employes of said Express Company while acting in the scope of their employment, it being understood, however, that in all cases where the same person acts jointly as agent or as baggage master and messenger for the Railroad and the Express Company any sum paid out in settlement or satisfaction of any claim made or judgment recovered on account of injuries sustained by said joint employe in the course of such employment shall not be assumed or borne by said Express Company exclusively but shall be borne and paid by both of said parties in the same proportion as they may have contributed to the salary of such employe at the time such injuries were sustained by him. Neither party, however, shall have the right to compromise or settle any claim or suit for such injuries without the consent in writing of the other party hereto.

The Railroad agrees to transport at the risk of the Express Company over the lines covered by this agreement the horses, vehicles, station trucks and stages of the Express Company used in its business and the Railroad agrees that the stationery and other supplies of the Express Company handled in cars or parts of cars set apart for the use of the Express Company shall also be carried at the sole risk of the Express Company.

Seventh: It is agreed by the St. Johnsboro & Lake Champlain Railroad Company, the Vermont Valley Railroad, the Sullivan County Railroad and the York Harbor & Beach Railroad Company that the Express Company may be allowed to continue its

express business over the St. Johnsboro & Lake Champlain Railroad, the Vermont Valley Railroad, the Sullivan County Railroad and the York Harbor & Beach Railroad upon the same terms and conditions as before made by the Railroad for transportation of goods and merchandise of the Express Company over the roads of the Railroad.

Eighth: For and in consideration of the faithful performance of the covenants and agreements hereinbefore made by the Railroad and in full payment for all the covenants and agreements of the Railroad and for all services and facilities to be furnished by it hereunder, the Express Company hereby covenants and agrees to pay to the said Railroad during the continuance of this agreement forty-two per cent (42%) of its entire gross earnings which are earned upon the roads of the Railroads, its branches and leased lines, also the York Harbor & Beach Railroad, the St. Johnsboro & Lake Champlain Railroad, the Vermont Valley Railroad and the Sullivan County Railroad. The Express Company agrees that of the amount to be paid the Railroad under this agreement a monthly estimate shall be made and that the amount of such monthly estimate shall be paid to the Railroad at its general office in the City of Boston, Mass., on or before the tenth day of each and every month following the month in which the traffic was carried.

And the Express Company agrees to furnish to the Railroad monthly a certified statement showing the gross earnings of the Express Company upon the lines of the railroad and the proportion of same due the Railroad, such statement to be furnished not later than the fifteenth day of the fourth month after the month in which the traffic is carried, and any balance due the Railroad in excess of said estimate amount shall be paid or adjusted monthly and not later than the fifteenth day of the fourth month in which the traffic is carried.

Ninth: As a further consideration, the Express Company agrees to transport for the Railroad, subject to the terms and conditions of the regular printed form of receipt of the Express Company and at its risk, money, valuables and such other articles as are ordinarily transported by express, belonging to the Railroad and for use in its business, which the Railroad may

desire to have transported over the lines of the Express Company covered by this agreement. It is further agreed that where the same person is employed by the Railroad and the Express Company the delivery by such person to the express messenger on the train of property belonging to or consigned to the Railroad shall constitute the delivery to the Express Company, and the delivery to such person of property addressed to the Railroad shall constitute a delivery by the Express Company.

Tenth: In computing the gross earnings of the Express Company upon the lines of the Railroad, the Express Company shall be held to have received its mileage proportion of all through charges made on express matter to and from all points outside of the Railroad's lines covered by this agreement, it being understood that for the purpose of computing the revenue accruing to the Railroad as its proportion of all through charges made on express matter to and from all points outside of the Railroad's lines, the Railroad shall be allowed a pro-rata mileage proportion of the through charges based on a minimum haulage of 50 miles.

Eleventh: The Express Company agrees that it will promptly and as often as may be required by the Railroad furnish to the Railroad a true and complete account of the gross earnings of the Express Company arising from its express business over and upon the lines of the Railroad embraced in this contract; and for the verification of such reports the Express Company will grant, at all times, access to such books and accounts of the Express Company by the properly authorized officer, agent or representative of the Railroad as may be necessary to verify the said accounts, provided, however, that the Express Company shall not be required to offer for examination books and accounts covering a period of two years before such examination.

Twelfth: And the Express Company hereby covenants and agrees that it will not, without the consent in writing of the Railroad, assign this contract or underlet the whole or any part of the rights, privileges or premises by this instrument acquired, except that it is mutually agreed the National Express Company may operate the now so-called "Fitchburg Division" as the agents of the American Express Company.

Thirteenth: In consideration of the covenants and agreements

herein contained to be performed by the Railroad, the Express Company hereby covenants and agrees that it will at all times during the continuance of this contract perform and furnish such reasonable and adequate express service as may be necessary for the accommodation upon and over every part of the transportation lines of the Railroad embraced within the provisions of this contract and will use its greatest endeavors to increase the express traffic on the lines of the Railroad to the end that the revenue accruing to the Railroad may attain the maximum, the Railroad agreeing on the other hand to so arrange or adjust its passenger train schedules as to enable the Express Company to afford the best possible service and at a minimum of cost.

Fourteenth: It is further understood and agreed in so far as it lies within the legal control of the Express Company that the tariffs of the Express Company shall in no case be less than one and one-half times (1½) the published first-class freight rates of the Railroad for like transportation unless the written consent of the Railroad shall be obtained in advance of the publication or use thereof of lower rates by the Express Company.

Fifteenth: This agreement shall take effect on the twentieth day of January, nineteen hundred and fifteen, and be in full force and effect until and including the thirty-first day of December, nineteen hundred and fifteen, and thereafter until the expiration of ninety days' notice given in writing by either party to the other of its desire to terminate the same.

In Witness Whereof, the *Boston & Maine Railroad,* by James H. Hustis, its president, thereto duly authorized, has set its hand and seal; and the *American Express Company,* by George C. Taylor, its president, thereto duly authorized, has executed these presents, this eleventh day of January, nineteen hundred and fifteen.

(Signed) A. B. Nichols. Boston & Maine Railroad
By (Signed) James H. Hustis,
President.

Witness: American Express Company
(Signed) Robert E. M. Cowie. By (Signed) George C. Taylor,
President.

2. Contracts with Water Carriers

Where the express business is conducted over water routes the water carrier usually agrees to furnish the necessary facilities on board its boats, and the express company pays for the transportation of the merchandise at agreed rates. The compensation which the water carrier receives varies with the kind of express matter handled, but is largely on a tonnage basis.

3. Conclusion

The contracts quoted are not necessarily typical, as each includes provisions of a nature peculiar to traffic conditions of the territory which it covers or peculiar to the conditions under which it was secured, but they will be sufficient for the purpose of this work.

Under the tonnage basis the express company bought transportation at wholesale and sold it at retail, just as it does today on foreign traffic. The percentage contract has unquestionably resulted in the past in a higher charge for the transportation of small parcels than would naturally obtain if the transportation charge of the railroad were fixed on a tonnage or on a monthly payment basis.

The Interstate Commerce Commission has expressed itself with respect to the amount a railroad should receive for the strictly transportation service which it performs, as hereafter shown.[2]

It would seem that the railroads are demanding too high a charge for this service, and that all statements of costs which they have presented as representing the expense of doing the express business are based on debat-

[2] 24 I. C. C. Rep., 381.

able distributions. Some roads apportion the cost in the proportion that the revenue from express bears to other passenger revenue; according to this theory, if the passenger earnings should decline and express revenue remain stationary, the cost of doing the express business would be shown to increase, though the service rendered would be the same.

No railroad can, by any system of accounting yet devised, ascertain what it costs to do this business; at the best they can only crudely estimate it; as a matter of fact, it is to a great extent surplus transportation, or a by-product of the business, and unless extra equipment is employed the extra cost is negligible.

In the opinion of one of the officials of the express companies, neither the percentage, nor the tonnage, nor the space basis is the ideal one upon which to base charges, and he states that the companies are making an effort to devise a basis which will equitably compensate the railroad company for its service and at the same time will not produce to the express company excessive profit on the one hand or deficit on the other hand. This, however, has no bearing on the situation as it exists, which inevitably leads to the conclusion that the percentage contract has been constantly upward in the proportion demanded by the roads with the result that the net earnings of the express companies have been materially reduced in face of a more insistent demand by the public for a greatly increased and more expeditious service.

The reader should remember that under the present federal and state regulations of common carriers, rates cannot be raised at will by the express company or by the railroad. Such increases can be made only by the order or with the sanction of the Interstate Commerce Commission or the state commission having jurisdiction.

CHAPTER VII

REGULATION OF EXPRESS COMPANIES

1. Introduction

The express business, from its inception to its present stage of phenomenal development, has been distinguished by the special features which it has added to the ordinary transportation service of a common carrier. No other justification could be made for the remuneration which the express companies demand for their services. Instead of providing their own conveyances, except for the purposes of local collections and deliveries, they employ the instrumentalities of conveyance of other carriers, such as railroads and steamboats, for the carriage of their traffic; and when they employ the agency of railways in their traffic movements, they forward their parcels, not by the ordinary freight trains of such roads, but by those used for the more expeditious transit. This fast transit constitutes one of the principal specialties or advantages in their service. Expedition, promptness, local collections and deliveries, and the greater security they are expected to afford (because the express matter is in the charge of and under the direct supervision of their agents from the moment of its receipt until its ultimate delivery) are the advantages which are offered as inducements to the public to patronize this higher-priced transportation service.

2. At Law, a Common Carrier[1]

Many statutory regulations have been passed by the different states because of the quasi-public character of the express business. At common law it has been held with unanimity that the express company is a common carrier of such goods and parcels as it undertakes to transport. The courts are prone to hold the express common carrier to a stricter accountability to its customer than the railroad, because it induces the customer to employ its service at increased cost by proclaiming greater security, dispatch, and individuality of service.[2]

In the application of the common-law principle to the express company, the decision of the Court, in the case of Stadhecker v. Combs,[3] is of vital interest to all desiring an adequate understanding of the responsibility of the express common carrier under the common law. The Court said:

There are considerations justifying a strict application of the law of common carriers to express companies. They profess to employ trusty agents, who are charged with the safe custody and speedy transit and delivery of all packages put in their charge. The effect of these inducements is in some measure to supersede the forwarding merchant, and to limit the liability of railroad and steamboat companies, who may be as faithful, and certainly are as responsible, agents. If they shall, by the promise of decided advantages over the usual modes of transportation, secure most of the business generally intrusted to common carriers, the public is concerned that they should be held to a rigid fulfillment of the promise. * * * They cannot attain a greater speed than the railroad or steamboat which conveys them, and there is no proof that they are

[1] By the 1906 amendment to the Act to Regulate Commerce, express companies were placed under the jurisdiction of the Interstate Commerce Commission.

[2] See in this connection the terms of the express receipt of 1871, page 149.

[3] 9 Rich., L. R. 193.

in other respects more trustworthy. The only advantage which in truth they can offer is the safer custody and more certain delivery of goods to the consignee without storage. These temptations may induce the public to employ them at an increased rate, and they (the express companies) have no reason to complain of an exact application of the rule of law which enforces the responsibility which they voluntarily assume. We should be regardless of the great interests daily committed by the public to the express companies, with a confidence induced by their tempting offers if their liability for the safe carriage and delivery is not rigorously enforced.

Therefore, it is fundamental that express companies performing the business of common carriers are subject to all the duties and liabilities imposed by the common law, and even to a stricter accountability for their transgressions than the railroad or steamboat companies.

3. State Regulation

Prior to the 1906 amendment of the Act to Regulate Commerce, there had been growing in the public mind a feeling that some regulation of express carriers was needed, and some of the states had prior to that date already taken the matter in hand.

In 1891, Georgia, by statute, placed express companies doing business in that state under the jurisdiction of the "Railroad Commission of Georgia," and in 1892 that commission promulgated its first express tariff, which, with a few modifications, was observed on state business for more than twenty years. The rates were adopted by the express companies without resort to the courts.

In 1904, Texas, through its state railroad commission, established tariffs of maximum charges on all classes of express traffic, and also prescribed the classification that

should govern. These tariffs appear to have been reissues of orders that were issued in the year 1903, or prior thereto.

In 1905, Mississippi, under authority given the railroad commission in 1884, issued an express tariff.

In 1905, Arkansas issued Express Tariff No. 2, which appears to have been a modification of a previous issue promulgated by the railroad commission of that state.

In 1905, Missouri established maxima rates for state business, and in 1907, through its railroad commission, reduced them about 20 per cent. The express companies secured an injunction, and the matter was still in the courts up to the time that the state adopted a modification of the Interstate Commerce Commission's block tariff (1914).

In 1906, Minnesota established express rates. The express companies filed a general protest, but finally adopted the rates without appeal to the courts.

In 1907, Virginia adopted an express tariff and classification which modified the rates and graduated charges on business in that state. The express companies adopted these rates without protest.

In 1907, Nebraska rates were reduced 25 per cent by an act of the legislature, but through court proceedings the rates did not become effective until April, 1908.

In 1907, Alabama, through its railroad commission, prescribed local state rates.

In 1908, Iowa prescribed a state tariff which was accepted by the express companies, but when a further reduction was ordered in 1911, it was opposed by the express carriers, who endeavored to obtain an injunction, but this was denied, and the rates were put into effect in November of that year.

In 1909, Oklahoma endeavored through its railroad commission to establish local express rates, but the order was held up by injunction. Recently, however, the court has sustained the commission, and the rates have been adopted with slight modifications.

In 1909, South Dakota, through its legislature, ordered a reduction of 20 per cent in express rates. Through technicalities the rates did not become effective, and in 1911 the legislature of that state passed a law reducing them 30 per cent. The express companies again attempted to secure a restraining order, but failed, and the rates were put into effect in September, 1911.

In 1910, Florida prescribed state rates, and the express companies were unsuccessful in getting them set aside.

In 1910, Illinois, through its railroad commission, prescribed rates which were challenged; in 1911 the legislature of that state enacted a specific statute dealing with the subject, and in October of that year the rates became effective.

In 1911, the Michigan rates were fixed by legislative enactment and were not contested.

The jurisdiction of the states over express companies is entirely statutory and connot be extended by implication over subjects not named in any act seeking to define the state's control.

(a) States Whose Railway Commissions Control Express Rates

The following is a list of states whose railroad commissions have control over express rates. States preceded by a star (*) have established express tariffs, either through orders of the railroad commission or by legislative act.

* Alabama
* Arkansas
* California
Colorado
* Florida
* Georgia
* Illinois
* Indiana
* Iowa
* Kansas
* Louisiana
* Michigan
* Minnesota
* Mississippi
* Missouri
* Montana
* Nebraska
* Nevada
* New Hampshire
* New Mexico
New Jersey
New York
* North Carolina
North Dakota
Ohio
* Oklahoma
Oregon
Pennsylvania
* South Carolina
* South Dakota
* Virginia
* Texas
Vermont
Washington
* Wisconsin

Where tariffs have not been issued, the state commission has jurisdiction when complaint is filed with it.

In several states the order of the railway commission was held up by injunction, and the question was brought before the courts for adjudication.

4. Conditions Which Led to Regulation

(a) Accounting Methods

In its first report on express companies, the Bureau of Statistics of the Interstate Commerce Commission, in describing the accounting practices of those companies, called attention to the many differences in the rules followed and said that these differences were so great as seriously to impair the usefulness of comparisons of their traffic, their revenues and expenses, as well as their financial statements. Expenses of one month were charged against the revenues of another month, while payments to railways were frequently not taken into the accounts until several months after the month in which the transportation services were actually performed. The effect

of this practice was that expenses incurred in a month when expenses were heavy might be set against revenues in a month when revenues were light. It was not possible, under such practice, to arrive at a correct statement of the net revenue for any specific period.

This investigation of accounting methods resulted in the prescription of rules under which all express companies subject to the Act to Regulate Commerce were required to adopt a uniform method of accounting, which would enable the Commission to determine accurately the results of their operations.

Effect of Former Accounting Practices on State Regulation.—It is needless to point out that the states were restricted in all of their investigations to the business of these carriers conducted entirely within their geographical boundaries, and, therefore, could not demand the production of all data really necessary for the determination of reasonable rates. The dissimilarity of bookkeeping systems referred to was such as to confuse rather than to enlighten the investigators. No separation of state and interstate operating costs and revenues was possible, and the companies could usually show a loss on any particular traffic under investigation by assigning to it certain overhead charges, and it was the common but mistaken policy to claim that any reduction from the charges in effect would convert a profit into a loss.

This system of accounting was not peculiar to the express business; the railroads for many years used practically the same methods and it was not until the Interstate Commerce Commission prescribed the method of accounting to be followed that either class of these carriers so systematized their accounting as properly to show the actual results of their operations. Hence, we

must not be surprised at the great variation in the rates prescribed by different states.

(b) Comparison of First-Class Freight Rates with Express Rates

For many years it was the practice of carriers to handle emergency shipments by passenger train at one and one-half times the first-class freight rate; no tariff authority has been located for this, but it is a matter of common knowledge among old railroad traffic officials, and in the state of South Carolina there is now in effect a rule of the railroad commission requiring the railroads to charge not more than one and one-half times the first-class freight rate for such movements; in the state of Mississippi some of the express rates were made on substantially the same basis.

Table 1[4] shows the express rates and the first-class freight rates that were in effect at the time the Interstate Commerce Commission undertook the general investigation of express rates in several states where both rates were fixed by state authority, and is given for the purpose of illustrating more fully the wide variation in the rates themselves as well as in the general level of rates adopted by the different states. This table shows only the merchandise rates per 100 pounds and does not take into consideration the graduated charges for shipments weighing less than 100 pounds, which are fully explained in another section.

Some state railroad commissions having jurisdiction over express rates did not establish maxima tariff rates, but approved the tariffs filed by the carriers in the first

[4] Since the order establishing express rates was promulgated by the Interstate Commerce Commission, many states have adopted the interstate basis, modified as hereafter shown; others have refused to adopt the block system and still adhere to the mileage tariffs and former graduated charges.

instance. These rates are subject to review only on complaint in some states, while in others they may be challenged by the state commission on its own initiative or by shippers on formal complaint.

It is impracticable, for want of space, to give in detail the modification of rules, rates, and classification made by the several states. For a more comprehensive study of such regulation the reader is referred to the tariffs, which may be obtained by application to the state authorities, or to the annual reports of the regulating body.

As seen from the foregoing, legislation relating to the express companies commenced in the early nineties, and since that time there has been a general tendency throughout the country more effectively to regulate these carriers.

Since the Interstate Commerce Commission issued a final order in the matter of express rates, the express companies have taken steps to have the same general basis of rates established in all of the states, in order that there may be a uniform system of tariffs throughout the country, and in this they have been successful in many states; but so far it has been impossible to secure the consent of several states which insist upon retaining the old mileage basis.

(c) Conference of December, 1913

In the early part of December, 1913, the express companies, through their attorneys, met with a special committee of the National Association of Railway Commissioners, composed of representatives from each state railroad commission, for the purpose of discussing the state-rate situation with the view of determining whether or not a uniform system of stating rates was practicable and desirable.

As a result of this conference a number of states including Illinois, Massachusetts, New York, and Wisconsin have adopted the block system of stating express rates with certain modifications of the sub-block rates which were suggested by the author. These modifications, which became generally effective on state business soon after the interstate rates became effective, have the effect of making lower rates for short distances than ordered by the Interstate Commerce Commission.

As an illustration of this modification: In Zone I, where the minimum rate is now 60 cents for the first four sub-blocks or squares, the state tariffs provide that shipments moving not over two squares or sub-blocks shall take a minimum rate of 50 cents per hundred with scale charges figured on the same basis as other scale charges. For a shipment moving into the third sub-block the rate is 55 cents per hundred. When the shipment reaches the fourth sub-block the charge is then the same as that ordered by the Interstate Commerce Commission, namely, 60 cents. Similar modifications were made in the other zones.

It was officially stated by the express companies that as soon as the block rates were made applicable to state business generally, the modifications above referred to would be put into effect on interstate traffic in order that the method of stating rates may be made uniform on both state and interstate traffic and this has now been done, so that, generally speaking, the charge for short distances is usually lower throughout the country than that prescribed by the Interstate Commerce Commission.

5. National Regulation

While the commerce clause of the Constitution lodges the necessary power in the government to regulate the

commerce of the states, nevertheless the jurisdiction of the Interstate Commerce Commission is strictly statutory, and the original Act to Regulate Commerce, approved February 4, 1887, made no mention of express companies. Express companies were therefore declared not subject to the Act, and their control remained entirely within the scope of the common law at large and such state statutes as had been constitutionally spread upon the statute books until the Hepburn Law was enacted.

(a) Express Companies Put Under I. C. C. Jurisdiction

Public agitation for greater control of transportation rates and facilities reached a climax a few years ago and resulted in the passage of the Hepburn Act of 1906, which act declared express companies to be common carriers within the purview of the act. Under this law the Interstate Commerce Commission has the same power of regulation over express companies as over other carriers; and can, upon complaint, fix a maximum express rate, subject to review by the higher federal courts in the same manner and to the same extent as in the case of railroads. So, too, the Commission can and does make rulings concerning unlawful or unfair discriminations and is clothed with the power to enforce such rulings by application to the courts.

Some of the important changes made by the revision of 1910 are (1) the appointment of an agent in Washington upon whom notices may be served in proceedings before the Commission; (2) the revision of the long-and-short-haul clause, so that exceptions thereto could be made only upon the authority of the Commission; (3) the provision that through rates should not be greater than the sum of local rates; (4) the extension to the Commission of power to reject tariffs

which do not state and give lawful notice of their effective date or in any way fail to conform to the Commission's rules; (5) the requirement that the carrier give a written statement of rates upon written request; (6) the extension to the Commission of power to fix, upon its own initiative, maximum rates.

(b) Powers of Commission

The Commission is empowered to prescribe a uniform system of accounts for express companies, and also has power to examine the books of an express company for the purpose of obtaining evidence in rate or other cases, and to see that the express companies are conforming to the law in this respect. It is unlawful for an express company to issue any "frank" or render any service without charge, except under the conditions and in the cases provided for in the Act.

Express companies as well as other common carriers are required to "provide and furnish * * * transportation upon reasonable request therefor, to establish through routes and just and reasonable rates applicable thereto, to provide reasonable facilities for operating such through routes, and to make reasonable rules and regulations * * * for the operation of such through routes."

Section 6 of the Act requires express companies "to print and keep open to public inspection schedules showing all the rates * * * and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier * * * when a through route

and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates * * * and charges applied to the through transportation."

It is further provided that such schedules "shall plainly state the places between which property * * * will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates * * * and charges."

(c) Posting Schedules

Copies of these schedules for the use of the public must be posted in two public and conspicuous places in every depot, station, or office of the express company where freight is received for transportation, and changes in rates or schedules may be made only on a notice of 30 days to the Commission and the public or by permission from the Commission for shorter periods.

Each of the express companies whose lines reach any of the cities in the following list, either over its own line or by rights over another line, must provide and maintain at each of such cities, complete files of the tariff publications which it issues or is a party to, together with indexes thereof. Each of such files is in charge of an employe who affords information and as-

sistance to the public in inspecting such file, and must be open and accessible to the public during ordinary business hours and on business days. At each office of the express company must be posted a notice stating the place that such a file is maintained.

These designated cities are:

California,	New York,
San Francisco	New York
Illinois,	Oregon, Portland
Chicago	Texas,
Louisiana, New Orleans	Dallas

The Interstate Commerce Commission, however, requires that complete copies of the express "Directory of Collection and Delivery Limits at Express Stations," issued by F. G. Airy, agent, 2 Rector St., New York, be filed at the capital of each state and 101 other principal business cities. The express companies are required to file the section for each state in the same manner as all other tariffs, i. e., at each station in the state.

At each point where a complete file for public inspection is not kept the express company must require its agent, or other employe in charge thereof, to post from time to time in a conspicuous place in the public waiting room or office a bulletin notice to the effect that rates from that station on certain commodities have been changed.

(d) Effect of Provisions

The effect of these provisions of the Act and the rules and regulations of the Interstate Commerce Commission is to afford the shipper a time and place where he may avail himself of such knowledge as will enable him to have his freight transported at the lowest legal rate of charge.

The reader will find the regulations of the Commission in Tariff Circular 19-A. Those who are interested in the construction of express tariffs or who have occasion to use such tariffs, can secure a copy from the Superintendent of Documents at a nominal cost. It may be suggested, however, that the rules and regulations are similar to those provided in connection with the construction and filing of freight tariffs, which are fully treated in "Publication and Filing of Tariffs"—a section of the course in Interstate Commerce and Railway Traffic.[5]

(e) Interstate Regulation

As has been shown, interstate regulation of express companies dates from the passage of the "Hepburn Act of 1906." As soon as these carriers were made subject to the Act to Regulate Commerce, complaints involving both the rates and rules of express companies began to reach the Interstate Commerce Commission.

"The criticisms and petitions * * * made it obvious that conditions in one section and by one line were like to those obtaining in other sections and over other lines," said the Interstate Commerce Commission in its report on the general investigation of these carriers,[6] and in the same report it declared that the express companies live by the grace of the railroads and that their existence may be justified only to the extent that their service is more efficient and more reasonable than that which is given by the railroads.

[5] In studying the regulation of express companies, the reader should use the Act to Regulate Commerce, and the Conference Rulings of the Commission, furnished in a treatise in this series.

[6] 24 I. C. C. Rep., 383.

Prior to the Hepburn amendment in 1906, the express companies based their rates to a large extent upon the exclusive contracts which they held with the carriers over whose lines they operated; that is to say, they frequently charged higher rates to their exclusive offices than to what were known as common points, or competitive offices. The long-and-short-haul basis for making rates was ignored to a great extent, and different rates were made under substantially the same conditions.

Originally established to take care of small parcel or personal business, where the element of care in transit, or the errand-man service, was the chief factor to be considered, the express business has grown to be the invaluable agency by which expedited service is furnished for handling both small packages or large shipments of perishable or highly valuable products, so that today the character of express traffic is entirely different from that in the early days.

It is not infrequently the case that carload shipments of low-class merchandise are sent by express where time is an important factor, though the charge for this service may greatly exceed the freight rate; on the other hand perishable products are frequently handled in trainloads at rates that are sufficiently low to enable them to be marketed with profit to the shipper and at prices which are reasonable to the consumer.

Notwithstanding the great help given to commerce in some directions by the express companies and the great convenience to the occasional shipper of small packages, the general situation at the time of the passage of the 1906 amendment referred to was such as to warrant an early investigation by the Interstate Commerce Com-

mission not only into the rates, but also into the rules and practices of these carriers.

After the express companies had filed tariffs with the commission, the method of showing rates under the "common point" and "exclusive office" system was extremely unsatisfactory and at times it was practically impossible for the agent of average ability to quote correctly the rates applicable between given points on a given commodity. For the purpose of this work it will not be necessary to consider, except in a casual way, the bases which have heretofore been used. It will be necessary, however, from time to time, to point out the changes that have been made in tariffs or in rules, in order that the reader may have his attention directed to important factors that enter into the construction of the new tariffs, classification, or billing methods. Before doing this it will be helpful to study the character of the complaints which were developed in the general investigation above referred to.

The Commission found that the complaints might be grouped into the following classes:

(1) Double collection of lawful charges.

(2) Overcharges and undercharges effecting discrimination between shippers arising out of an obscure rate system and ineffective revision and supervision of accounts.

(3) Indirect routing of shipments by the express carrier, resulting in unreasonable delays and defeating the reason for the existence of an express service as distinguished from ordinary freight service.

(4) Failure or refusal to deliver parcels to consignees located outside of arbitrarily established free-delivery limits without notice being given either to the consignor or consignee as to the extent of free-delivery territory.

(5) Unreasonableness of the terms of shipment imposed by the receipt given by the carrier.

(6) Delays in the settlement of claims for loss and damage.

(7) Excessive insurance charges when shipments are valued at more than $50.

(8) A confusing set of rules governing the classification of express matter which led to discrimination in rates between classes of shippers by providing obscure and insignificant conditions as the basis for classifications of which the initiated may take advantage to procure transportation at lower rates than are generally applied to the more uninformed portion of the public.

(9) Delays in the return of c. o. d. collections to consignors.

(10) The obscure statement of rates making the public dependent almost entirely upon the information furnished them by express agents.

(11) The unreasonableness of the rates charged by the carriers.

In order that the practices complained of might be reduced to a minimum, the Commission found that[7]

1. Express rates should be made primarily to meet the need of the great body of our people and should therefore be stated in terms that represent the small packages which the express company is intended to carry rather than by the 100 pounds, as freight rates are stated.
2. In the fixing of its rates an express company should not be allowed to charge more than a railroad company if the latter undertook to, and did, give the same service.
3. It is proper for the government to treat the express company as a freight forwarder by passenger train, giving supplemental service at each terminus and intermediate care.
4. An express rate may not be based upon the monopoly right of the express company to be the exclusive freight forwarder over one or more lines of railroad.
5. The rate should not include more than a reasonable compensation for the service given, even though such compensation falls below that which the railroad exacts as a minimum for the carriage of 100 pounds of freight.

[7] 24 I. C. C. Rep., 381.

6. It is unreasonable to fix as rapid a decline in express rates for long distances as is made by the railroads in their freight rates, express service in this respect being more analogous to passenger than to freight service.
7. In compounding the express rate the railroads should be allowed a compensation for bulked freight moved upon a passenger train as to which it is relieved by contract for all liability for loss or damage and is without expense for the furnishing of a receipt, the billing, the bookkeeping, and a great number of other general expenses.
8. The rate should include a return to the express company which will compensate it with profit for the expense of the service which it gives, there being added thereto in the formation of the total rate the proper charge which it may reasonably make for the service which the railroad gives, as stated in the preceding paragraph.
9. This Commission will require the following things of the express companies: (*a*) A new and simple method of stating rates by which one who is not an expert in the reading of tariffs may know what rate he should be charged. (*b*) The tariffs must present but one rate upon the same class of traffic between any two points in the United States served by the same carrier. The rebates by indirection concealed in the tariffs must be removed. (*c*) There must be a new classification of traffic in which the standard or first-class rate shall be that on merchandise, and to which there shall be one great class of exceptions—a second class as it were—consisting of articles of food and drink now carried under the meaningless term of "general specials." The rate for this latter class should bear a relation in percentage to the former. Our conclusion is that 75 per cent of merchandise would yield a fair and reasonable rate. Other rates may be made to meet traffic needs and develop industry, but all such rates shall be based on conditions of service and should, for convenience, likewise be stated in percentage of the merchandise scale. (*d*) The rules of the express companies are too many and too involved. They need even more drastic revision than is herein suggested.

(*e*) The express carriers must unite in direct through routes, reaching all cities and towns accessible to each other by the shortest route measured in time. The Commission will leave this matter in the hands of the carriers for the present, but will undertake to see that this principle is recognized in the routing of express traffic. (*f*) There should be a precise statement published and filed showing the terminal service that is given at local stations. (*g*) To avoid prosecutions for illegal overcharges it is essential that double collections shall cease, and to this end a system of labels is herein prescribed—a yellow label, which shows that the charges have been paid; a white label, when the charges have not been paid; and if no label is carried on the package, it must be delivered without charges and the error later corrected. (*h*) The standard merchandise rates have been found to be discriminatory as between localities and unreasonable in themselves with respect to the points dealt with in our order. They have been the product of an unregulated growth, in which certain of the larger cities have gained an undue advantage and preference. A burden that is excessive and unjustifiable has rested upon the packages of smaller weight which the express carrier was especially created to transport. The railroad company in "farming out" this branch of its service upon a percentage contract basis has created an inevitable tendency to increase parcel rates. There has been no uniformity in the application of any system or basis or scale of rates with reference to points similarly situated even within the same territory, and no reasonable relation is suggested in the rates fixed between the service given by the railroad in the carriage of a parcel and that given by the express company in its terminal service.

In conformity with these findings, there has been prescribed a tariff and classification from which can be quickly determined the interstate rate on any shipment not specifically covered by special commodity tariffs between any two points in the United States. The rates

substantial foundation and to recognize that each party to an express transaction has rights which must be respected, that duties devolve on each, and that the companies are entitled to a reasonable profit to the same extent as the public is entitled to reasonable rates, and no rate is reasonable that fails to pay a profit to the carrier.

CHAPTER VIII

EXPRESS CLASSIFICATION OF MERCHANDISE

1. Introduction

The Official Express Classification is not, in the strictest sense, a classification such as is published by the rail carriers to cover freight shipments.

All commodities, except food products and beverages, and some articles taking third-class rates, not specifically provided for in the express classification are charged the first-class rate, and, therefore, the classification, as such, contains only a list of commodities that are exceptions to this rule and is in fact a "classification exception sheet" rather than a classification.

The classification also includes some commodities to which the first-class or the second-class rate is applied. When such is the case it is on account of some packing, or other condition made necessary by reason of the character of the commodity.

2. Classes of Merchandise Shipments

Merchandise shipments are covered by three classes: first, second, and third, formerly known as Merchandise, General Specials, and Section D.

Some articles are rated higher than first class when the risk of transportation is great or if they are light and bulky; as an illustration, Guns, N.O.S., are rated at two

times the first-class rate, because of the care required in handling a gun not packed; under the head of Boats—Shells and Racing Rowboats, with out-riggers, are charged eight times the first-class rate, because of their light weight and great bulk.

The first-class rate, generally speaking, applies on all traffic not specifically classified and not provided for in commodity tariffs.

The second-class rate is applied to articles of food and drink, unless specifically rated higher.

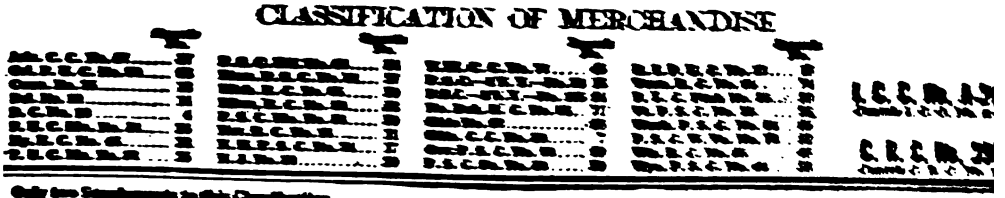
The third-class rate is applied on certain commodities heretofore carried in competition with the U. S. mail, such as catalogs, books, calendars, etc., taking the third-class postage rate. Shipments are taken at third-class rate only when the value does not exceed $10 and is so stated at the time of shipment, in accordance with the provisions of Rule 1 (j).

The classification contains rules which both shippers and express companies must observe. Some charges are dependent on these rules, and, therefore, the reader should thoroughly familiarize himself with them in order that he may obtain the lowest legal charge.

At the end of this chapter will be found a summary of the rules in which are brought out the salient points and some of the changes from the rules formerly in effect.

Practically every rule has been changed in some particular; the reader should not rely upon his knowledge of previous classifications, as the changes are such as to make that knowledge of little value in connection with the new basis of rates.

CLASSIFICATION OF MERCHANDISE



Only two Supplements to this Classification will be in effect at any time.

Adams Express Company
American Express Company
Canadian Express Company
Canadian Northern Express Company
Dominion Express Company
Great Northern Express Company
National Express Company
New York & Boston Despatch Express Company
Northern Express Company
Southern Express Company
Wells Fargo & Company Express
Western Express Company

OFFICIAL

Express Classification

No. 25

Applying on Express Traffic covered by Tariffs issued subject thereto.

Issued and filed with the Interstate Commerce Commission, Canadian Railway Commission, Arizona Corporation Commission, Public Utilities Commission of the State of Colorado, Public Utilities Commission of the State of Idaho, Kentucky Railroad Commission, Public Utilities Commission of the State of Maine, Public Service Commission of the State of Maryland, Massachusetts Public Service Commission, Michigan Railroad Commission, Minnesota Railroad and Warehouse Commission, Public Service Commission of Missouri, Nevada Railroad Commission, New Hampshire Public Service Commission, New Mexico State Corporation Commission, Public Service Commission State of New York, First and Second Districts, Railway Commission of North Dakota, The Public Utilities Commission of Ohio, Corporation Commission of Oklahoma, Public Service Commission of Oregon, The Public Service Commission of the Commonwealth of Pennsylvania, Public Utilities Commission of Rhode Island, Tennessee Railroad Commission, Public Utilities Commission of Utah, Public Service Commission of Vermont, The Public Service Commission of Washington, Public Service Commission of West Virginia, Railroad Commission of Wisconsin, and the Public Service Commission of the State of Wyoming,

by F. G. AIRY, Agent,
61 Broadway, New York, N. Y.,

for the individual Companies named herein.

ISSUED MAY 15, 1917. **EFFECTIVE JULY 1, 1917.**

Date received.....1917.

EXPRESS SERVICE AND RATES

This tariff is filed with Commissions named below by F. G. AIRY, Agent for the following Express Companies, under Powers of Attorney as indicat

Express Companies \ Commissions filed with	Interstate Commerce Commission	Canadian Railway Commission	Public Service Commission of the State of Maryland	Michigan Railroad Commission	New Hampshire Public Service Commission	Public Service Commission State of New York, First District	Public Service Commission State of New York, Second District	The Public Service Commission of the Commonwealth of Pennsylvania
Adams Express Company, The	EX 1—No. 3	P. A. No. 1	No. 2	FM 1—No. 2		E 1—No. 2	E 1—No. 3	E 1—No.
American Express Company	EX 1—No. 4	P. A. No. 1	No. 2	FM 1—No. 2	EX 1—No. 1	E 1—No. 3	E 1—No. 2	E 1—No.
Canadian Express Company	EX 1—No. 4	P. A. No. 1		FM 1—No. 1	EX 1—No. 1		E 1—No. 3	
Canadian Northern Express Company, The	EX 1—No. 2	P. A. No. 1						
Dominion Express Company (concurrence)	EX 7—No. 3	P. A. No. 1						
Great Northern Express Company	EX 1—No. 4	P. A. No. 2						
National Express Company	EX 1—No. 5	P. A. No. 1		FM 1—No. 2	EX 1—No. 1	E 1—No. 3	E 1—No. 2	E 1—No.
New York & Boston Despatch Express Company	EX 1—No. 28							
Northern Express Company	EX 1—No. 4	P. A. No. 1						
Southern Express Company	EX 1—No. 6	P. A. No. 1	No. 2					
Wells Fargo & Company (Express)	EX 1—No. 7	P. A. No. 1	No. 1	FM 1—No. 2		E 1—No. 1	E 1—No. 2	E 1—No.
Western Express Company	EX 1—No. 4	P. A. No. 1		FM 1—No. 2				

NAME, TITLE AND ADDRESS OF OFFICIALS OF EXPRESS COMPANIES AUTHORIZED TO PREPARE AND ISSUE TARIFFS.

OFFICIAL	TITLE	NAME OF EXPRESS COMPANY	ADDRESS
J. E. CRONIN	Traffic Manager	Adams	New York, N. Y.
E. E. BUSH	Traffic Manager	American	New York, N. Y.
W. W. WILLIAMSON	Superintendent Tariffs	Canadian	Montreal, P. Q.
W. C. MUIR	General Superintendent	Canadian Northern	Winnipeg, Man.
W. H. BURR	Traffic Manager	Dominion	Toronto, Ont.
RONALD STEWART	Vice-President and General Manager	Great Northern	St. Paul, Minn.
E. E. BUSH	Traffic Manager	National	New York, N. Y.
E. W. BENNETT	Traffic Superintendent	Northern	St. Paul, Minn.
W. W. OWENS	Second Vice-President	Southern	Chattanooga, Tenn.
GEO. S. LEE	Traffic Manager	Wells Fargo & Company	New York, N. Y.
W. H. BURR	Traffic Manager	Western	Toronto, Ont.

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†UNIFORM EXPRESS RECEIPT.

The Company will not pay over $50, in case of loss, or 50 cents per pound, actual weight, for any shipm in excess of 100 pounds, unless a greater value is declared and charges for such greater value paid.

_____EXPRESS COMPANY.

NON-NEGOTIABLE RECEIPT. _____191__

Received from _____subject to the Classifications and Tariffs in effect on the date hereof, _____

_____, value herein declared by shipper to be _____dollars. (See Reverse.)

Consigned to _____

at _____. Charges, _____

Which the Company agrees to carry upon the terms and conditions printed on the back hereof, to which the shipper agrees, and as evidence thereof accepts and signs this receipt.

_____ Shipper. _____ For the Company.

NOTE.—The company's charge, except upon ordinary live stock, is dependent upon the value of the property, as declared or released by the shipper. If the shipper desires to release the value to $50 for any shipment of 100 pounds or less, or not exceeding fifty cents per pound, actual weight, for any shipment in excess of 100 pounds, the value may be released by inserting "not exceeding $50," or "not exceeding fifty cents per pound," in which case the company's liability is limited to an amount not exceeding the value so declared or released.

TERMS AND CONDITIONS.

1. The provisions of this receipt shall inure to the benefit of and be binding upon the consignor, the consignee, and all carriers handling the shipment, and shall apply to any reconsignment, or return thereof.

2. In consideration of the rate charged for carrying said property, which is dependent upon the value thereof and is based upon an agreed valuation of not exceeding fifty dollars for any shipment of 100 pounds or less, and not exceeding fifty cents per pound, actual weight, for any shipment in excess of 100 pounds, unless a greater value is declared at the time of shipment, the shipper agrees that the company shall not be liable in any event for more than fifty dollars for any shipment of 100 pounds or less, or for more than fifty cents per pound, actual weight, for any shipment weighing more than 100 pounds, unless a greater value is stated herein. Unless a greater value is declared and stated herein the shipper agrees that the value of the shipment is as last above set out and that the liability of the company shall in no event exceed such value.

3. Unless caused by its own negligence or that of its agents, the company shall not be liable for—
   a. Differences in weight or quantity caused by shrinkage, leakage, or evaporation.
   b. The death, injury, or escape of live freight.
   c. Loss of money, bullion, bonds, coupons, jewelry, precious stones, valuable papers, or other matter of extraordinary value, unless such articles are enumerated in the receipt.

4. Unless caused in whole or in part by its own negligence or that of its agents, the company shall not be liable for loss, damage, or delay caused by—
   a. The act or default of the shipper or owner.
   b. The nature of the property or defect or inherent vice therein.
   c. Improper or insufficient packing, covering, or addressing.
   d. The Act of God, public enemies, authority of law, quarantine, riots, strikes, perils of navigation, the hazards or dangers incident to a state of war, or occurrence in customs warehouses.
   e. The examination by, or partial delivery to, the consignee of C. O. D. shipments.
   f. Delivery under instructions of consignor or consignee at stations where there is no agent of the company after such shipments have been left at such stations.

5. Packages containing fragile articles or articles consisting wholly or in part of glass must be so marked and be packed so as to insure safe transportation by express with ordinary care.

6. When property is destined to a point at which no express company has an agency it should be marked with the name of the express station at which delivery will be accepted. If not so marked it will be entered to the express station nearest the destination point and arrival notice given consignee.

7. Except where the loss, damage, or injury complained of is due to delay or damage while be loaded or unloaded, or damaged in transit by carelessness or negligence, as conditions precedent recovery claims must be made in writing to the originating or delivering carrier within four months d delivery of the property or, in case of failure to make delivery, then within four months after a reasonable time for delivery has elapsed; and suits for loss, damage, or delay shall be instituted only within two years and one day after delivery of the property or, in case of failure to make delivery, then within two years and one day after a reasonable time for delivery has elapsed.

8. If any C. O. D. is not paid within thirty days after notice of non-delivery has been mailed the shipper the Company may at its option return the property to the consignor.

9. Free delivery will not be made at points where the company maintains no delivery serv at points where delivery service is gratuitous free delivery will not be made at addresses beyond established and published delivery limits.

Special Additional Provisions as to Shipments Forwarded from the United States to Places in Foreign Countries.

10. If the destination specified in this receipt is in a foreign country, the property entered here shall, as to transit over ocean routes and by their foreign connections to such destination, be subj to all the terms and conditions of the receipts or bills of lading of ocean carriers as accepted by company for the shipment, and of foreign carriers participating in the transportation, and as to transit as accepted for transportation and delivery subject to the rules, bulletins, laws, regulations, customs of ocean and foreign carriers, customhouses, and governments, their employees and agents.

11. The company shall not be liable for any loss, damage, or delay to said shipments over oc routes and their foreign connections, the destination of which is in a foreign country, crossing sai the boundaries of the United States, which may be occasioned by any such rules, bulletins, laws, regulations or customs.

12. It is hereby agreed that the property destined to such foreign countries, and consignable t foreign governmental or customs duties, taxes, or charges, may be stopped in transit at foreign po frontiers or depositories, and there held pending examination, assessments, and payments, and such duties and charges, when advanced by the Company, shall become a lien on the property.

†Denotes changes other than reductions or increases.

IFORM CONTRACT FOR ORDINARY LIVE STOCK

SED ONLY FOR THE TRANSPORTATION OF CATTLE, SWINE, SHEEP, GOATS, HORSES, JACKS, JEN-S AND MULES NOT CHIEFLY VALUABLE FOR BREEDING, RACING, SHOW PURPOSES OR OTHER CIAL USES.

.....EXPRESS COMPANY

NON-NEGOTIABLE LIVE STOCK CONTRACT.

(IN TRIPLICATE)

S CONTRACT, made at.....on the.....

....., 191 between the.....

; COMPANY, party of the first part, hereinafter called the EXPRESS COMPANY, and.....

.....

called the SHIPPER, party of the second part, for the transportation of the shipment described in section 2 of this

nsigned to.....

.....WITNESSETH:

ion 1. The Express Company undertakes to forward, subject to the classifications and tariffs in effect on the date hereof, int reached by the Express Company which is nearest to destination and there deliver to consignee or to connecting complete the transportation the animals and paraphernalia hereinafter described in section 2 of this contract, of which r declares himself to be the owner (or duly authorized agent of the owner), for the sum named in column 3 of section 2 ntract.

ion 2. The Shipper now states that the Cattle, Swine, Sheep, Goats, Horses, Jacks, Jennies or Mules constituting the ship-ordinary Live Stock and not chiefly valuable for breeding, racing, show purposes or other special uses, and declares the s paraphernalia so to be shipped is as stated below; and unless a greater value is declared and stated herein, the shipper t the value of the paraphernalia in this shipment is not more than $50. or fifty cents per pound; and agrees that the shall not be liable in any event for more than $50. for any shipment of 100 pounds or less, or for more than fifty cents actual weight for any shipment weighing more than 100 pounds, unless a greater value is declared and stated herein es for such greater value paid.

Column 1. Number and Kind of Animals.	Column 2. Value of Paraphernalia (Saddles, etc.)		Column 3. TOTAL CHARGE on the shipment from shipping point to destination.	
	Dollars	Cents	Dollars	Cents

ion 3. The Shipper agrees that the Express Company shall not be liable for the conduct or acts of the animals to , or to each other, such as biting, kicking, goring or smothering, nor for loss or damage arising from the condition mals themselves, or which results from their nature or propensities, which risks are assumed by the Shipper. The reby releases and discharges the Express Company from all liability for delay, injuries to or loss of said animals and alia, from any cause whatever, unless such delay, injury or loss shall be caused by the Express Company or by the of its agent or employees.

amount of any loss or damage for which any carrier is liable shall be computed on the basis of the value of the the place and time of shipment under this contract.

ion 4. If any sum of money besides the charges for transportation is to be collected from the consignee on the delivery imals, and the same is not paid at once, the Shipper agrees that the Express Company may, at its option, retain said ith ordinary and reasonable care, at the risk and expense of the Shipper, or may return same to the Shipper, the Shipper rges for transportation both ways and all other expenses.

anges other than reductions or increases.

UNIFORM CONTRACT FOR ORDINARY LIVE STOCK—Continued.

Section 5. Where said animals are accompanied by the owner or an attendant in his employ, the following further con ditions shall apply, viz.: The Shipper agrees to load, transship and unload said animals at his own risk, the Express Compan furnishing the necessary laborers to assist. The Shipper shall take care of, feed and water said animals while being forwarded o transported, whether delayed in transit or otherwise, and the Express Company shall not be under any liability or duty with referenc thereto except in the actual forwarding thereof. The Shipper further undertakes to see that all doors and openings in the car in which said animals are shipped are at all times so closed and fastened as to prevent the escape of any of said animals or injur thereto, and the Express Company shall not be liable on account of the escape of any of said animals or any injury thereto resultin from open doors or defective ventilation.

Attendants when transported free will be permitted to ride only in the car in which the animals are transported or in smokin cars, or second-class cars of the train, when furnished.

Section 6. The Shipper agrees that as a condition precedent to recovery hereunder for loss or injury or damage to or delay i delivery of this shipment, such loss, injury, damage or delay shall be proved by the Shipper to have been caused by negligence of th carrier, and in consideration of the free carriage of a person or persons as his agent or agents in charge of said animals when permitted under the Terminal and Switching Charges Tariff I. C. C. No. A-2095, supplements thereto and reissues thereof, t indemnify and save harmless the Express Company from all claims, liabilities and demands of every kind, nature and descripti by reason of personal injuries sustained by said person or persons so in charge of said animals whether the same be caused b negligence or otherwise.

Section 7. Upon the arrival of said animals and paraphernalia at destination, the Shipper or consignee shall forthwi receive said animals and paraphernalia and pay the charges due thereon, and if the Shipper or consignee shall fail or refuse t duly receive the same and pay any such charges, the Express Company, or the connecting carrier having said animals and par phernalia in charge, may, as the Agent of the Shipper, have said animals and paraphernalia put and provided for in some suitabl place at the cost and risk of the Shipper or consignee, and at any time or times thereafter may sell the same or any number o them, at public or private sale, with or without notice, as the said agent may deem necessary or expedient, and apply the proceed arising therefrom, or so much as may be needed, for the payment of any freight or charges that may be due, and other necessar and proper costs and expenses.

Section 8. Claims for loss, damage or delay must be filed with the carrier at the point of delivery or at the point of origi within four months after delivery, or, in case of failure to deliver, after a reasonable time for delivery has elapsed, unless the los damage or injury was due to delay or damage while being loaded or unloaded or damaged in transit by carelessness or negligen of the Company.

Suits must be instituted within two years after the delivery, or in case of failure to deliver, after a reasonable time fo delivery has expired.

Unless claims are so filed and suits so brought the carrier shall not be liable.

Section 9. The provisions of this contract shall inure to the benefit of and be binding upon the consignor, the consign and all carriers handling this shipment, and shall apply to any reconsignment or return thereof.

Signed in Triplicate

.....EXPRESS COMPANY.
By.....Agent } Party of the first part.

..... } Party of the second part.
(Owner or duly authorized agent of the Owner.)

ATTENDANTS' CONTRACT.

THIS CONTRACT, made at the same place at which the annexed Live Stock Contract was executed and on the same da upon which said Live Stock Contract was made, Witnesseth:

WHEREAS, the annexed Live Stock Contract has been made for the transportation of certain animals as described therei and

WHEREAS, it is necessary that the owner, or some person on his behalf, shall accompany and take charge of said animal

In consideration of the free transportation of the undersigned attendant or attendants, where permitted under the Termin and Switching Charges Tariff I. C. C. No. A-2095, supplements thereto and reissues thereof, upon the same train or trains where animals referred to in the foregoing contract are forwarded or transported, which said animals are to be under the charge the undersigned, said transportation being performed at the instance and request of the undersigned, and it being made known each of the undersigned that each respective express company does by contract agree to hold each of the railroad companies ov which the undersigned is being transported as herein set out harmless against any injury or damage to the undersigned while bei transported as herein set forth, each of the undersigned agrees that each of the carriers or railroad companies mentioned in t foregoing contract as to the transportation of the undersigned attendants is to perform a service not required of a carrier passengers and not required of a common carrier and as to such transportation each of said carriers, express companies and ra road companies is and shall be liable only as a private carrier, and each of the undersigned attendants does severally agree to assu all risks of accident or damage to himself and does hereby release and discharge said..... .....Express Company a any connecting express company and any railroad company which may at any time be engaged in transporting, carrying or forwardi said animals or any of them and said attendants or any of them from any and all claims, liabilities and demands of every kin nature and description for and on account of any injury or damages to person or property of any kind or nature sustained by hi whether the same be sustained while in, upon or about said cars or passing over or along the tracks or grounds of any of a railroad companies and whether caused by negligence or otherwise; and said attendants and the undersigned owner or own do each for himself, his heirs and representatives agree to protect and hold said.....Express Company a

UNIFORM CONTRACT FOR ORDINARY LIVE STOCK—Continued.

any connecting express company and any of the said railroad companies harmless from all claims, liabilities and demands of every kind, nature and description by reason of any such injury or loss of life or property.

WITNESS the hands and seals of the parties hereto on the date aforesaid.

..... (Seal)
(Owner or duly authorized agent of the owner.)

..... (Seal)
Attendant.

..... (Seal)
Attendant.

..... (Seal)
Attendant.

..... (Seal)
Attendant.

STATEMENT.

REQUIRED OF SHIPPERS OF LIVE STOCK BY EXPRESS UNDER REGULATIONS OF UNITED STATES DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY.

This is to Certify that the..... (Description of stock)
delivered by me this day to the..... EXPRESS COMPANY and consigned to..... (Consignee)
at ..... (Destination) are not affected with glanders, or any other contagious, infectious or communicable disease.

(Signed)..... (Shipper)

Dated at .....191. ..

†UNIFORM LIVE STOCK CONTRACT FOR THE TRANSPORTATION OF ANIMALS OTHER THAN ORDINARY LIVE STOCK.

NOTICE TO SHIPPERS.—The Shipper must state the value of the shipment, which value must be inserted in the contract. This Company's charges on Live Animals, Live Birds, Live Stock and Reptiles (hereinafter referred to as animals) are based upon the value per Animal, which value must be declared by the Shipper on each Animal in the shipment, and in case the shipment consists of more than one Animal of exceptional value, each Animal must be described by name or registration number and the actual value thereof stated in the contract.

.....EXPRESS COMPANY

NON-NEGOTIABLE LIVE STOCK CONTRACT.

(IN TRIPLICATE)

THIS CONTRACT, made at.....on the.....
day of....., 191 , between the.....
EXPRESS COMPANY, party of the first part, hereinafter called the EXPRESS COMPANY, and.....
.....
hereinafter called the SHIPPER, party of the second part, for the transportation of the shipment described in section 4 of this contract, consigned to.....
at .....WITNESSETH:

Section 1. The Express Company undertakes to forward, subject to the classifications and tariffs in effect on the date hereof, to the point reached by the Express Company which is nearest to destination and there deliver to consignee or to connecting carrier to complete the transportation the animals and paraphernalia hereinafter described in section 4 of this contract, of which the Shipper declares himself to be the owner (or duly authorized agent of the owner) for the sum named in column 4 of section 4 of this contract, which charge is dependent upon the value of said animals and paraphernalia declared by the Shipper as hereinafter mentioned.

Section 2. And in consideration of the premises, said parties agree: that the Shipper before delivering the said animals and paraphernalia to the Express Company, demanded to be advised of the rates to be charged for the carriage of said animals and paraphernalia as aforesaid, and thereupon was advised by the Express Company, that the rate depended upon the value of said animals and paraphernalia, such value to be declared by the Shipper, and was offered by the Express Company alternative rates based upon the value of said animals as fixed and declared by the Shipper, and according to the following tariff of charges, viz.:

†Denotes changes other than reductions or increases.

UNIFORM LIVE STOCK CONTRACT FOR THE TRANSPORTATION OF ANIMALS OTHER THAN ORDINARY LIVE STOCK—Continued.

Section 3. The classification minima rates on live animals apply only when the value does not exceed the following, to wit:
For Horses, Jacks, Jennies or Mules, $200.00 each;
For Bulls, $100.00 each;
For Colts under one year, Ponies, $75.00 each;
For Cows, Calves six months or over, Oxen, Steers, $75.00 each;
For Calves under six months, Deer, Elk, Goats, Hogs or Sheep, $25.00 each;
For Burros, Dogs or Ostriches, $50.00 each;
For Camels, $200.00 each;
For Elephants, $250.00 each;
For Wild Animals not otherwise named, $50.00 each,
For Birds not otherwise named, Cats, Ferrets, Guinea Pigs, Hares, Mice, Monkeys, Opossums, Pigeons, Poultry, Prairie Dogs, Rabbits, Rats, Skunks, Squirrels or Reptiles, $5.00 each, but not more than $50.00 for each shipment weighing 100 pounds or less at not more than 50 cents per pound actual weight on each shipment weighing more than 100 pounds.

When the declared or released value exceeds the maximum value stated above the charge will be increased as follows:

Between points where the First-Class Rate

Is not over $2.00 per 100 lbs.			1 per cent. of excess value
Exceeds	2.00 " " " but not $3.00 per 100 lbs.		1½ " " " " "
Exceeds	3.00 " " " " " 5.00 " " "		2 " " " " "
Exceeds	5.00 " " "		2½ " " " " "

Section 4. The Shipper now declares the value of said animals and of the paraphernalia constituting this shipment to be as follows:

Column 1. Number and Kind of Animals	Column 2. Name or Registration Number and Value of Each Animal.			Column 3. Value of Paraphernalia. (Bulkies, Saddles, etc.)		Column 4. TOTAL CHARGE on this shipment from shipping point to destination.	
	Name or Registration Numbers	Dollars	Cents	Dollars	Cents	Dollars	Cents

Section 5. The Shipper agrees that the Express Company shall not be liable for the conduct or acts of the animals themselves, or to each other, such as biting, kicking, goring or smothering, nor for loss or damage arising from the condition of the animals themselves, or which results from their nature or propensities, which risks are assumed by the Shipper. The Shipper hereby releases and discharges the Express Company from all liability for delay, injuries to or loss of said animals and paraphernalia, from any cause whatever, unless such delay, injury or loss shall be caused by the Express Company or by the negligence of its agent or employees, and in such event the Express Company shall be liable only to the extent of actual damage sustained, but in no event to an amount for an animal or paraphernalia in excess of its value as declared above.

Section 6. If any sum of money besides the charges for transportation is to be collected from the consignee on the delivery of said animals, and the same is not paid at once, the Shipper agrees that the Express Company may, at its option, retain said animals with ordinary and reasonable care, at the risk and expense of the Shipper, or may return same to the Shipper, the Shipper to pay charges for transportation both ways and all other expenses.

Section 7. Where said animals are accompanied by the owner or an attendant in his employ, the following further conditions shall apply, viz.: The Shipper agrees to load, transship and unload said animals at his own risk, the Express Company furnishing the necessary laborers to assist. The Shipper shall take care of, feed and water said animals while being forwarded or transported, whether delayed in transit or otherwise, and the Express Company shall not be under any liability or duty with reference thereto except in the actual forwarding thereof. The Shipper further undertakes to see that all doors and openings in the cars in which said animals are shipped are at all times so closed and fastened as to prevent the escape of any of said animals or injury thereto, and the Express Company shall not be liable on account of the escape of any of said animals or any injury thereto resulting from open doors or defective ventilation.

Attendants when transported free will be permitted to ride only in the car in which the animals are transported or in smoking cars, or second-class cars of the train, when furnished.

Section 8. The Shipper agrees that as a condition precedent to recovery hereunder for loss or injury or damage to or delay in delivery of this shipment, such loss, injury, damage or delay shall be proved by the Shipper to have been caused by negligence of the carrier, and in consideration of the free carriage of a person or persons as his agent or agents in charge of said animals when permitted under the Terminal and Switching Charges Tariff I. C. C. No. A-2095, supplements thereto and reissues thereof, to indemnify and save harmless the Express Company from all claims, liabilities and demands of every kind, nature and description by reason of personal injuries sustained by said person or persons so in charge of said animals whether the same be caused by negligence or otherwise.

Section 9. Upon the arrival of said animals and paraphernalia at destination, the Shipper or consignee shall forthwith receive said animals and paraphernalia and pay the charges due thereon, and if the Shipper or consignee shall fail or refuse to do receive the same and pay any such charges, the Express Company, or the connecting carrier having said animals and paraphernalia in charge, may, as the Agent of the Shipper, have said animals and paraphernalia put and provided for in some suitable place at the cost and risk of the Shipper or consignee, and at any time or times thereafter may sell the same or any number of them, at public or private sale, with or without notice, as the said agent may deem necessary or expedient, and apply the proceeds arising therefrom, or so much as may be needed, for the payment of any freight or charges that may be due, and other necessary and proper costs and expenses.

Section 10. Claims for loss, damage or delay must be filed with the carrier at the point of delivery or at the point of origin within four months after delivery, or, in case of failure to deliver, after a reasonable time for delivery has elapsed, unless the loss, damage or injury was due to delay or damage while being loaded or unloaded or damaged in transit by carelessness or negligence of the Company

FORM LIVE STOCK CONTRACT FOR THE TRANSPORTATION OF ANIMALS OTHER THAN ORDINARY LIVE STOCK—Continued.

Suits must be instituted within two years after the delivery, or, in case of failure to deliver, after a reasonable time for ry has expired.
Unless claims are so filed and suits so brought the carrier shall not be liable.

Section 11. The provisions of this contract shall inure to the benefit of and be binding upon the consignor, the consignee ll carriers handling this shipment, and shall apply to any reconsignment or return thereof.

.....EXPRESS COMPANY.

l in
cate.

By ..... Agent.

} Party of the first part.

....
(Owner or duly authorized agent of the Owner.)

} Party of the second part

ATTENDANTS' CONTRACT.

THIS CONTRACT, made at the same place at which the annexed Live Stock Contract was executed and on the same date which said Live Stock Contract was made, Witnesseth:
WHEREAS, the annexed Live Stock Contract has been made for the transportation of certain animals as described therein;

WHEREAS, it is necessary that the owner, or some person on his behalf, shall accompany and take charge of said animals; In consideration of the free transportation of the undersigned attendant or attendants where permitted under the Terminal witching Charges Tariff I. C. C. No. A-2095, supplements thereto and reissues thereof, upon the same train or trains wherein is referred to in the foregoing contract are forwarded or transported, which said animals are to be under the charge of dersigned, said transportation being performed at the instance and request of the undersigned, and it being made known to of the undersigned that each respective express company does by contract agree to hold each of the railroad companies over the undersigned is being transported as herein set out harmless against any injury or damage to the undersigned while being orted as herein set forth, each of the undersigned agrees that each of the carriers or railroad companies mentioned in the ing contract as to the transportation of the undersigned attendants is to perform a service not required of a carrier of igers and not required of a common carrier and as to such transportation each of said carriers, express companies and rail-ompanies is and shall be liable only as a private carrier, and each of the undersigned attendants does severally agree to assume ks of accident or damage to himself and does hereby release and discharge said.....Express Company and nnecting express company and any railroad company which may at any time be engaged in transporting, carrying or forwarding nimals or any of them and said attendants or any of them from any and all claims, liabilities and demands of every kind, and description for and on account of any injury or damages to person or property of any kind or nature sustained by him, er the same be sustained while in, upon or about said cars or passing over or along the tracks or grounds of any of said d companies and whether caused by negligence or otherwise; and said attendants and the undersigned owner or owners h for himself, his heirs and representatives agree to protect and hold said.....Express Company and nnecting express company and any of the said railroad companies harmless from all claims, liabilities and demands of every nature and description by reason of any such injury or loss of life or property.

WITNESS the hands and seals of the parties hereto on the date aforesaid.

.....(Seal)
(Owner or duly authorized agent of the owner.)
.....(Seal)
Attendant.
.....(Seal)
Attendant.
.....(Seal)
Attendant.
.....(Seal)
Attendant.

STATEMENT.

IRED OF SHIPPERS OF LIVE STOCK BY EXPRESS UNDER REGULATIONS OF UNITED STATES DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY.

This is to Certify that the.....
(Description of stock)
ed by me this day to the.....EXPRESS COMPANY and consigned to.....
(Consignee)
.....(Destination).....are not affected with glanders, or any other contagious, infectious nmunicable disease.

(Signed).....
(Shipper)

at .....191....

†UNIFORM SPECIAL CONTRACT.

Agents must use this form for Paintings, Pictures, Statuary and Wax Figures when the value declared is in excess of $550.
Agents must fill up THREE COPIES of this contract, ALL of which must be signed by the AGENT AND BY THE SHIPPER BEFORE SHIPMENT.
One copy should be DELIVERED TO THE SHIPPER, ONE RETAINED BY THE AGENT, and the other must accompany the waybill.
For shipments of the value of $550, or less, issue Uniform Express Receipt, and assess charge for value in accordance with Classification rule.

.....EXPRESS COMPANY

SPECIAL CONTRACT FOR THE TRANSPORTATION OF PAINTINGS, PICTURES, STATUARY AND WAX FIGURES, OF A VALUE OF OVER $550.00.

THIS CONTRACT; made at.....this.....day of....., 191 , between.....Express Company (hereinafter called the "Express Company"), party of the first part, and ....(hereinafter called the "Shipper"), party of the second part, WITNESSETH:

1. The Express Company agrees, subject to the conditions hereinafter set forth to forward to the point reached by the Express Company which is nearest or most convenient to destination, and there deliver to consignee or to other parties to complete the transportation, the following property, of which the Shipper declares himself to be the owner or duly authorized agent of the owner namely .....
consigned to .....
at .....
for the sum of.....dollars and.....cents, which charge is dependent upon the value of said property, as hereinafter stated.

2. When the declared or released value of any shipment of Paintings, Pictures, Statuary or Wax Figures exceeds $550, or less cents per pound when the weight is more than 1,100 pounds, the rates will be greater for each $100 or fraction thereof in excess of such value, as follows:

Between points where the first-class rate per 100 pounds	Cents
Does not exceed $1.00	.25
Exceeds $1.00 but not $3.00	.30
Exceeds $3.00 but not $5.00	.35
Exceeds $5.00 but not $8.00	.40
Exceeds $8.00	.50

3. The Shipper hereby declares the value thereof to be.....dollars.

4. The Express Company shall not be required to make free delivery at points where it maintains no free delivery service nor at any point beyond its established and published delivery limits.

5. The Express Company shall not be liable for loss or damage arising from the condition of the property, or from any defect or fault in packing, crating or boxing, which risks are assumed by the Shipper. The Shipper of said property hereby releases and discharges the said Express Company from all liability for the delay or loss of, or damage or injury to, said property from any cause whatever, unless any such delay, loss, damage or injury shall be proved to have been caused by the Express Company or by the negligence of its agents or employes, and in such event the Express Company shall be liable only to the extent of actual damage sustained, but in no event to an amount in excess of the value declared above.

6. All the stipulations and conditions in this contract contained shall inure to the benefit of, and extend to, each and every connecting carrier, railroad company, express company, forwarder, or person to whom the Express Company may entrust or deliver said property for transportation, and shall define the responsibility and liability therefor of any such company or person for the acts or negligence of their several agents or employes.

7. Upon the arrival of said property at destination, the Shipper, owner or consignee shall forthwith receive said property and pay any charges due thereon, and any sums besides charges to be collected from consignee, according to terms of shipment, and if he or they shall fail or refuse to duly receive the same and pay any such charges and other sums, or after 48 hours (exclusive of Sundays and legal holidays) from mailing of notice to consignee of arrival of shipment, the Company's liability shall be that of warehouseman only and said Express Company, or other carrier, as the agent of such Shipper, owner or consignee, may thereupon have said property put in some suitable place at the cost and risk of such Shipper, owner or consignee, and at any time or times thereafter may sell the same, or any portion thereof, at public or private sale, with or without notice, as said agent may deem necessary or expedient, and apply the proceeds arising therefrom, or so much thereof as may be needed, for the payment of any freight and charges that may be due, and other necessary and proper costs and expenses; or said Express Company or other carrier may, at its option, return said property to Shipper, the Shipper to pay charges for transportation both ways, and all other expenses.

8. Claims for loss, damage or delay must be made in writing to the carrier at the point of delivery or at the point of origin within four months after delivery, or, in case of failure to deliver, after a reasonable time for delivery has elapsed, unless the loss, damage or injury was due to delay or damage while being loaded or unloaded or damaged in transit by carelessness or negligence of the Company.

Suits must be instituted within two years after the delivery, or, in case of failure to deliver, after a reasonable time for delivery has expired.

Unless claims are so filed and suits so brought the carrier shall not be liable.

9. All the conditions of this contract shall apply to any reforwarding or return of said property.

.....
Shipper.

Signed in triplicate.

FOR..... EXPRESS COMPANY.

.....
Agent.

†Denotes changes other than reductions or increases.

FREIGHT CLASSIFICATION.

RULES.

1. Application of Rates and Charges:

(a.) First-class rates are applicable to all property received for transportation by the Companies parties to this Classification, unless otherwise hereinafter provided.

†(b.) If a shipment is rated first class the charge shall be ascertained by reference to "Local and Joint Schedule of First and Second-Class Express Rates" lawfully on file with the Interstate Commerce Commission, the Canadian Railway Commission and the Public Service Commissions, First and Second Districts, State of New York, and the Railroad Commissions with which this Classification is filed.

†(c.) **½ of 1.** On shipments classified at one-half first class, the charge shall be one-half of the charge at the First-class rate, unless otherwise provided in individual items.

†(d.) On a shipment classified at higher than first-class rate the charge at the First-class rate must be multiplied by the number indicating the higher classification. If classified at "1½ t 1," multiply the charge at First-class rate by 1½, if classified at "2 t 1," multiply the charge at First-class rate by 2, etc.

(e.) **Second-class rates** are applicable to commodities herein classified as second class and to all articles of Food and Drink except as hereinafter otherwise provided (See Rule 19.)

†(f) If a shipment is rated second class the charge shall be ascertained by reference to "Local and Joint Schedule of First and Second-Class Express Rates" lawfully on file with the Interstate Commerce Commission, the Canadian Railway Commission and the Public Service Commissions, First and Second Districts, State of New York, and the Railroad Commissions with which this Classification is filed.

(g) Shipments entitled to Second-class rates, when so packed as to conceal their nature, must be marked with their correct designations. If not so marked the shipment will be billed at First-class rates, subject to revision upon subsequent disclosure or proof of the actual contents.

(h.) Unless otherwise provided, charges on Second-class matter must be based upon the gross weight of the shipment at the time it is received for transportation, provided, however, that when it is necessary to use ice for preservation, and it is used for that purpose only, an allowance of 25 per cent. from the gross weight will be made from March to November, inclusive, and an allowance of 15 per cent. from gross weight will be made from December to February, inclusive, but the weight so ascertained must not be less than the gross weight of the shipment without the ice. (See also Rules 10 and 11 concerning weights.)

(i.) Two or more packages of Second-class matter from the same shipper at the same time to the same consignee shall be aggregated and charged for upon the aggregated weight.

(j.) **Third-class rates** are applicable to commodities herein classified as third class and are 1 cent for each 2 ounces or fraction thereof, minimum charge 15 cents, but the charge at Third-class rates must not be more than the charge at First-class rates.

Each package should have the name of the article or articles contained therein written, stamped or printed thereon.

The true value, which must not exceed $10.00, or the notation "Value Not Exceeding $10.00" must be placed on the package by the shipper and entered on the receipt.

(k.) **Pound rates.** This term is used to indicate that the charge for a package of 100 pounds is to be multiplied by the number of pounds in the shipment and the product so obtained divided by 100, the quotient so obtained will be the charge

Example: Charges on a shipment weighing 75 pounds b points taking Scale No. 2 (60 cents for 100 pounds) on Pound rates apply would be ascertained by multiplying and dividing the product by 100—45 cents.

(l.) When the net weight is a necessary factor in com the charge upon any commodity, shippers must mark t weight upon the package; when not so marked by shipper packages must be charged for upon the gross weight a of shipment.

(m.) **Fractions.** In computing charges, whenever fractio cur, either in the aggregate weight or charges, the next whole number must be used.

(n.) **Any package containing articles of more than one** must be charged at the rate applicable to the highest c article contained therein unless specially provided to the co

2. Receiving Shipments:

(a.) The shipper must be requested to place his nam address on all packages of First-class matter, and in the of his refusal to do so charges must be prepaid.

†(b.) A receipt of the form prescribed herein must be giv all matter received. The value of the property must be de by the shipper, and inserted in the receipt. The shipper's de tion of such value may be made by inserting "not exc $50.00," or "not exceeding 50 cents per pound, actual w as the case may be, in the blank space in that portion receipt reading "value herein declared by shipper $. ..... "

(c.) Shipments destined to points in the United State adjacent Foreign Countries must not be accepted when signed "To order of," or "To Notify" a bank, or any per

(d.) Uniform express receipts are not negotiable and ship must not be accepted, the delivery of which is conditioned surrender of the original receipt at time of delivery.

(e) Shipments must be prepared or packed in a man insure safe transportation with ordinary care on the part express companies. Packages containing fragile articl articles consisting wholly or in part of glass, must be pac as to insure safe transportation by express with ordinary if not so packed and plainly marked as to indicate the nat the contents, the company shall not be liable for damage t shipments except when proved to be negligent. The ag the express company must not knowingly accept shipmen conforming to these requirements

(f) When consigned to a place at which the express co has no office, shipments must be marked with the name express station at which the consignee will accept delivery.

†(g.) Shipments of jewelry, diamonds, or other precious money, bullion, bonds, coupons, watches or valuable pape not be accepted for shipment in packages containing or merchandise unless such articles are described in the u express receipt, as shipments of this character are trans by the express company only through a special departmen case of loss of any of the articles above mentioned when s with other merchandise the express company will not be except for its own negligence unless such articles are des in the uniform express receipt.

(h.) Shipments consigned to an individual or firm at one e office, and marked in care of an individual or firm at some express office, must not be accepted.

†Denotes changes other than reductions or increases.

2.—Continued.

†(*i.*) **Shipments bearing special instructions.**—If shipments are accepted bearing special instructions of the shipper to the Express Company, affecting the handling or delivery of shipments, and calling for service not provided for elsewhere in the tariffs or Classifications of the Express Company, no responsibility for compliance with such instructions will be assumed, nor will claims be paid by the Express Company for failure to observe or comply with such special instructions.

Routing Shipments:

Shippers, by designation in writing, may route shipments by way of such established routes and transfer points as they may desire.

4. **Prepayment or Guarantee of Charges:**

(*a.*) **Charges must be prepaid—**

On passengers' baggage which is to be delivered at railroad stations or steamship piers.

On all matter addressed to persons restrained of their liberty in prisons, penitentiaries and insane asylums.

Except when shipped by representatives of the following named Government Departments presenting proper credentials—On packages consigned to the Commissioner of Patents or to the Interstate Commerce Commission at Washington, D. C.; to the General Storekeeper or Inspector of Ordnance, Navy Yard, Brooklyn, N. Y.; to the Navy Yard, Vallejo, Calif; to the Frankford Arsenal, Tacony, Pa.; to the Bureau of Standards, Washington, D. C.; to the Commissioner of Patents or to the Canadian Railway Commission at Ottawa, Ont., and the name and address of the shipper must be marked thereon. Any custom charges or entry fees on such shipments must also be prepaid or guaranteed.

On personal packages for officers or men belonging to the regular Army or Militia when to be delivered in the field or in camp; for Officers, Sailors and Marines in the Navy on sea duty, for Cadets at Military or Naval Academies and for Students at Military Schools.

(*b.*) **The charges on all shipments evidently not worth charges must be prepaid or guaranteed and so waybilled.**

†(*c.*) **Charges must be prepaid on shipments of second-hand household effects.**

5. **Prohibited Shipments:**

Explosives and inflammable articles and acids will not be accepted when not shipped in compliance with the Interstate Commerce Commission's "Regulations for the Transportation of Explosives and other Dangerous Articles by Express," and when specifically prohibited. (See Rule 8 (*d.*)).

6. **Pick-up and Delivery Service:**

†(*a.*) The established rates and charges, unless otherwise provided, include the pick-up at the address of the shipper, and free delivery to the consignee at the address inscribed upon the package, at all points designated as free delivery stations in the Joint Directory of Express Stations I. C. C. No. A-3, Supplements thereto and reissues thereof. Provided, however, that the companies shall not be required to pick up or deliver shipments above the first floor in any building or residence when such shipments are of such size or weight as to not permit the handling by one man, and where elevator facilities are not available for such handling, nor will pick-up and delivery service be rendered at addresses outside of the established free delivery limits, nor at stations which have not been designated as free delivery stations.

(*b.*) At points where arrangements have been made by the express company with a local carrier for delivery of shipments addressed to points beyond the established Free Delivery Limits the shipment will be forwarded to consignee's address by such local carrier, or on request of consignee previously given to the agent at destination will be held for delivery and written notice will be given consignee of the arrival thereof.

(*c.*) Shipments delivered by local carrier to points beyond the defined Delivery Limits shown in the official Joint Directory of Collection and Delivery Limits I. C. C. No. A-4, su thereto and reissues thereof, will be subject to the charge of such local carrier; if consignee declines t charge of such local carrier, the shipment shall be retu office of the Express Company for delivery to consi charge for such attempted delivery shall be made.

7. **Conditions of Delivery:**

(*a.*) **Agreements as to time of delivery of express sh not be made unless provision for such agreement is co lawfully published tariffs.**

(*b.*) No shipments shall be delivered to a consignee in damaged condition until consignee has had an oppo examine the shipment. If the consignee declines the written notice of the condition of the shipment must to the consignor at the address given upon the packag

8. **Undelivered Shipments:**

(*a.*) In the event of non-delivery, arising out of loss tion of the shipment, the Company shall immediately g notice thereof to both the consignor, if known, and the if known.

(*b.*) In the event of non-delivery of a shipment by rea consignee's refusal to accept it, written notice thereof s diately be given to the consignor, if known, by the destination.

(*c.*) At points where delivery service is not main agent must at once give consignee notice of arrival, sonally or by mail to the address given on the pack sonal notices must be confirmed by mail.

†(*d.*) Packages containing dangerous articles as defin regulations prescribed by the Interstate Commerce C and referred to in Rule 5, which are refused by the or which cannot be delivered within 48 hours after destination, must be disposed of by return to the shipper charges in both directions, or by storage in a safe place, or destruction when it is evident that storage on the car erty will be a source of real danger.

9. Claims:

In the event of a claim being made in writing, the Com immediately acknowledge its receipt, and shall within of the date thereof, notify the claimant in writing of the made thereof. Claims for partial loss or damage shal equally prompt disposition

10. Weights:

(*a.*) Unless otherwise specially provided, charges mus upon the actual gross weight of each shipment at the ti ceived for transportation.

(*b.*) When the volume of traffic is so large as to mak able to weigh each separate package without delaying th ing, estimated weights may be used for shipments of food, provided they closely approximate the actual we estimated weights will be arrived at by weighing a packages of the same size and containing the same c the average weight to be adopted as the estimated w

11. **Aggregating Weights:**

(*a.*) Provided a lower charge is made thereby, tw packages forwarded by one shipper at the same time receipt, to one consignee at one local address, must for on the aggregate weight, as if one package, provide that when such shipments average less than 10 pounds age, charges shall be assessed on basis of 10 pounds package.

EXAMPLE: When the total weight of the severa divided by the number of packages gives a quotient le charge on basis of 10 pounds for each package. If th so obtained is 10 or over, charge on basis of total act

(*b.*) Shipments of different classes aggregated as a be charged for at the highest rate applicable to any the shipment.

†Denotes changes other than reductions or increases.

11.—Continued.

(c.) The foregoing provisions of this rule apply to all matter except Empties and Second-class matter, unless otherwise provided; for conditions governing Second-class matter, see Rule 1 (i.); for conditions governing Empties, see classification of Empties.

12. Returned Shipments:

(a.) When two or more undelivered shipments are returned to the same shipper, from the same place, at the same time, they must be aggregated as provided in Rule 11.

(b.) After delivery of a shipment and collection of charges thereon, if it is to be returned, a refund of the charges must not be made.

(c) Orders from shippers to forward or return by mail or Parcel Post undelivered shipments that were originally forwarded by express must be accepted, provided the package is mailable under the regulations of the Post Office Department and the value does not exceed $50.00; such orders must be accompanied by the necessary postage and insurance or registration fee, and must be waybilled to the office at which the goods are on hand at a charge of 10 cents, to be prepaid by the shipper. The above rule will apply to C. O. D. shipments only when rules governing such shipments have been fully complied with.

(d) Undelivered packages originally forwarded by express may, by shipper's order, be returned or reshipped by freight under the following conditions:

1. When the shipper desires to instruct the agent at destination to return or reship undelivered packages, the charges on the outward shipment (if not prepaid), together with the reshipping charge provided in following section must be forwarded to the agent at destination with instructions covering the return or reshipment by freight. Any instructions to reship to a consignee other than the shipper must be accompanied by the approval of the agent at shipping point or, in the absence of such approval, by the original uniform express receipt which must also be endorsed by the shipper showing disposition.

2. If it is desired to have the outgoing charges and reshipping charge billed back to the shipper through the agent at shipping point, the instructions to reship must be filed with the originating agent.

3. All unpaid express charges must be paid, and in addition thereto the Company will charge for the additional service performed, including the return of the freight bill of lading 10 cents per 100 pounds, with a minimum charge of 25 cents.

4. When shipments consist of two or more packages or two or more shipments the reshipping charge in section 3 shall be computed on the basis of the actual gross weight and established minimum charge, the same as if consisting of one package only.

(e.) Any undelivered shipments may be returned to original shipper on his request, with charges to collect, at the rates charged on the business when sent out.

13. Valuation Charges:

†(a.) Rates named in tariffs governed by this Classification, except as to ordinary live stock, are dependent upon and vary with the declared or released value of the property, and, except as to live stock chiefly valuable for breeding, racing, show purposes, or other special uses, other live animals named and not named herein, live birds, live pigeons, live poultry, and reptiles, are based upon property declared to be of, or released to, a value not exceeding $50 for any shipment of 100 pounds or less, or not exceeding 50 cents per pound actual weight for any shipment in excess of 100 pounds. When the declared or released value exceeds that above stated, except as to paintings, pictures, statuary, and wax figures of a declared or released value exceeding $550, the rates are 10 cents greater for each $100 or fraction thereof in excess of the value stated above.

†(b.) When the declared or released value of any shipment paintings, pictures, statuary, or wax figures exceeds $550, or cents per pound when the weight is more than 1,100 poun the rates will be greater for each $100 or fraction thereof excess of such value, as follows:

Between points where the first-class rate per 100 pounds:

	Ce
Does not exceed $1.00	2
Exceeds $1.00 but not $3.00	3
Exceeds $3.00 but not $5.00	3
Exceeds $5.00 but not $8.00	4
Exceeds $8.00	5

†(c.) Rates applicable to live stock (cattle, swine, sheep, go horses, and mules), chiefly valuable for breeding, racing, sh purposes, or other special uses, other live animals named here live birds, live pigeons, live poultry, reptiles, and wild anim not named herein are based upon the following maximum valu

	Eac
Horses, jacks, jennies, mules	$200
Bulls	100
Colts under one year, ponies	75
Cows, calves six months or over, oxen, steers	75
Calves under six months, deer, elk, goats, hogs, sheep	25
Burros, dogs, ostriches	50
Camels	200
Elephants	250
Wild animals not otherwise named	50

Birds, not otherwise named, cats, ferrets, guinea pigs, har mice, monkeys, opossums, pigeons, poultry, prairie dogs, rabb rats, skunks, squirrels, reptiles, each $5; maximum value of a shipment not exceeding 100 pounds, $50, or, when the wei exceeds 100 pounds, 50 cents per pound, actual weight.

When the declared or released value exceeds the maxim value stated above the rates will be increased as follows.

Between points where the first-class rate is not over $2 100 pounds, 1 per cent. of the excess value.

Between points where the first-class rate exceeds $2 but $3 per 100 pounds, 1½ per cent. of the excess value.

Between points where the first-class rate exceeds $3 but $5 per 100 pounds, 2 per cent. of the excess value.

Between points where the first-class rate exceeds $5 per pounds, 2½ per cent. of the excess value.

Paragraphs (a.), (b) and (c) are issued under authority Interstate Commerce Commission's Supplemental Order No. 18 *April 2,* 1917, *in Case No* 4198.

†(d) On import traffic from non-adjacent foreign count which is consigned from such foreign countries to or in car Express Companies party hereto, the excess valuation cha will be assessed according to the invoice or other accompany evidence of value, unless a declaration of value is made or a rel as to value is executed at foreign point of shipment, or at Ameri port of first arrival.

14 C. O. D. Shipments:

(a) The letters "C. O. D." and amount to be collected and name and address of the shipper must be plainly marked on e package with which a bill is sent to be collected on delivery, a similar entry must be made on the waybill. See Rule F page 39

(b) Aggregating C. O. D. shipments. When two or more pa ages are sent by one shipper to same consignee at the se time, with separate C. O. D's, or when one of the package C. O. D. and the other or others are not, they must not aggregated; but if one C. O. D. covers two or more packa they must be aggregated as provided in Rule 11. When C. O D covers two or more packages, the amount of C. O. must be marked on each, thus: "C. O. D $..... on 2", "3," as the case may be.

†Denotes changes other than reductions or increases.

—Continued.

(c.) **Examination, trial, or partial delivery of C. O. D. shipments** will be allowed only when instructions to do so are written or printed on the package and also inclosed in the C. O. D. envelope accompanying the shipment, or upon subsequent written authority from the shipper indorsed by the agent at shipping point.

The proceeds of each Partial Delivery must be remitted without delay, subject to the regular C. O. D. charge for the amount collected, prepaid or collect, according to instructions on original C. O. D. envelope. No Partial Delivery shall be made until the transportation charges on the entire shipment have been paid.

Provided that Partial Delivery shall not be made when the contents of a package are to be delivered to different parties. When goods are sent on approval, involving but one payment, the amount paid for the articles selected must be remitted and the remainder of the goods repacked and immediately returned to the shipper.

Examination or trial of such shipments must be on the premises of the express company or in the presence of an employe of the express company, unless the instructions accompanying the shipment specifically provide for trial outside of the express office, in which case such trial examination must be limited to a period not exceeding six days, during which time the amount of the C. O. D. will be held by the express company. The amount collected must be remitted, or the goods must be returned, to shipper at the expiration of such six days' trial.

Agents at shipping point will decline to accept C. O. D. shipments with instructions to permit "trial" examination outside of the express office as provided above, or to subsequently approve shippers' instructions to such effect until shippers execute a release, exempting the forwarding company and its connections, to which the matter may be transferred to complete transportation, from all loss incident to such trial or examination. The form of release following must be used:

RELEASE.

or Goods C. O. D. with Privilege of Trial Examination Outside of Express Company's Office.

This is to Certify, that I (or we), the undersigned, **have forwarded** and expect hereafter to forward by the..... **EXPRESS COMPANY,** various C. O. D. shipments, with the privilege of trial examination outside of Express Company's Office, and do hereby authorize and instruct said Company and its connecting carriers, upon the consignee or consignees of any such shipments depositing with the delivering agent the amount of such C. O. D. bill, to deliver such shipment to the consignee or consignees for the purpose of a trial examination, which examination shall be for such period as is named in the instructions accompanying the shipment, but not exceeding six days, during which time the amount of the C. O. D. will be held by the Express Company. In case the whole of such shipment shall not be retained, we authorize the Express Company to refund to such consignee or consignees the proportionate amount of such C. O. D. bill.

And in consideration of the acceptance by the said Company and its connecting carriers of such shipments, on the conditions named, we do hereby assume all risks of loss or damage which may occur in connection with, or by reason of such examination and repacking of such shipments; and we agree that the said Company and its connecting carriers are not to be held liable or responsible for any loss of or damage to said shipments, or any part thereof, or any loss or damage occasioned by detention or delay in delivering the same, from any cause whatever, unless the said loss or damage shall have been caused by said Company, its connecting carriers, or its or their agents or servants.

In Witness Whereof.....have hereunto set.....hands this .....day of....., 191..

In the presence of.....

(d.) **The amount of C. O. D. bills for C. O. D. shipments must be collected at the time such shipments are delivered to consignees.** Agents are positively prohibited from giving credit on C. O. D. shipments. The proceeds of C. O. D. collections must be remitted to the consignor or agent at the point of origin within 24 hours after delivering such shipments, and if such return is made to the agent at point of origin, he, in turn, must make settlement with the consignor within 24 hours after the receipt thereof. The payment of claims for C. O. D. collections the proceeds of which have not been paid to the consignor of the shipment must be made promptly on presentation of proper proof of the delivery of the property to the consignee.

(e.) **Orders to deliver C. O. D. goods without collecting C. O. D.** must be ignored unless they bear the approval of the agent of the forwarding Company at the shipping point, and if any doubt exists as to the genuineness of such approval, goods must be held until the approval is verified.

(f.) **A C. O. D. shipment, when originally forwarded, may bear** shipper's instructions to the effect that if consignee refuses the shipment on account of the C. O. D., it may be delivered without collecting the C. O. D. In such cases either the original mark on the package or the original C. O. D. wrapper bearing shipper's instructions must be retained by delivering agent as authority for releasing C. O. D. and a duplicate C. O. D. wrapper bearing copy of shipper's instructions, must be returned waybilled with charges 10 cents to collect.

Instructions from shippers must not be accepted either at time of shipment, or subsequent thereto, which provide that if the consignee refuses the shipment, the C. O. D. is to be released and the goods held subject to shipper's order.

(g.) **If, after a C. O. D. shipment has been forwarded from** shipping point, shipper requests that the shipment be delivered to another consignee, or that the amount of the C. O. D. be reduced, or that the consignee be relieved of payment of charges or that delivery be made without collecting the amount of the C. O. D., the forwarding agent must require a **fee of 10 cents** to be paid before approving such instructions; shipper's request must then be waybilled with charge of 10 cents, prepaid; the C. O. D. bill and envelope, with copy of order enclosed, must be returned waybilled free, and the original order retained on file. When two or more Companies are interested in the transaction, the 10-cent charge will be divided equally, the delivering Company being entitled to the odd cent.

†(h.) **When a C. O. D. shipment is reforwarded** from the original destination to the same or another consignee, or returned by freight no charge will be made for reducing or releasing the amount of the C. O. D. No fee will be charged for endorsing request of shipper to destroy an undelivered C. O. D. package, providing the outward charge thereon is paid.

(i.) **If a C. O. D. shipment is refused** or cannot be delivered within 24 hours, the shipper must be immediately notified, and if not disposed of within 30 days of such notice, it may be returned subject to charges in both directions, except that when shipper requests, either by labelled instructions on the shipment or otherwise in writing, that the shipment be held for not longer than 60 days after date of its arrival at destination, it may be held for such period. Provided that explosives and other dangerous articles shall be disposed of in accordance with Rule 8 (d.) page 14. All Agents and Employees are forbidden to make any agreement or accept shipments with any instructions which conflict with this rule.

(j.) **C. O. D. packages that have been reforwarded** from one point to another, on order of shipper, **may be held for 30 days** from date of re-shipment.

(k.) **When two or more C. O. D. shipments are ordered returned** by the same shipper, from the same place, at the same time, such returned packages must be aggregated as provided in Rule 11.

(l.) **C. O. D. shipments of Liquor,** alcoholic, fermented, spirituous, vinous or other intoxicating Liquor (including ale, beer and other malt beverages), will not be accepted.

(m.) **A C. O. D. shipment** must not be accepted or receipted for when marked or accompanied by a C. O. D. envelope showing as the shipper a firm or person different from that stated in the receipt; but nothing herein shall prevent acceptance of C. O. D. shipments from any agent, branch or representative of the home office of any business concern, with instructions to return the pro

†Denotes changes other than reductions or increases.

14. (m.)—Continued.
ceeds of C. O. D. to the home office or banking depository of the same business concern, providing that these instructions are clearly evidenced in the Uniform Express Receipt, on the package, and on the C. O. D. envelope.

15. **Receipt for Delivery of Packages:**

For obtaining a receipt from the consignee upon delivery of packages and for the return of such receipt to the shipper, a charge of 10 cents for each such receipt must be made.

16. †(a.) **Fibreboard, Pulpboard or Corrugated Strawboard Shipping Cases Not Conforming to Requirements of Rule 20:**

Articles for which other packing requirements are not established by the Classification will be accepted in Fibreboard, Pulpboard or Corrugated Strawboard shipping cases which do not conform to requirements of Rule 20, and, unless otherwise provided, charged for on basis of actual weight subject to the following limitations:

If not crated, the exterior measurement, length, width and depth added, must not exceed 90 inches. Two or more such shipping cases, of uniform size, securely tied together, may be accepted and charged for as one, provided the exterior measurement does not exceed 90 inches; if crated, the exterior measurement, length, width and depth added, must not exceed 110 inches. Packages of this description which exceed these measurements will not be accepted.

†(b.) **Ordinary Strawboard or Paper Boxes:**

Articles for which other packing requirements are not established by the Classification, will be accepted in ordinary strawboard or paper boxes without crating, when same are wrapped or securely and compactly tied together with cord, provided the exterior measurement, length, width and depth added, does not exceed 90 inches (see Exception, paragraph (c.)), and charges will be assessed upon actual weight; if the exterior measurement exceeds 90 inches, such shipments must be securely crated, and when the exterior measurement of such crated shipments does not exceed 70 inches the charge must be made on the actual weight. When the exterior measurement exceeds 70 inches, such shipments must be charged for on the actual weight, but not less than the following minimum weights:

When the Exterior Measurement Is	The Minimum Weight Must Be
Over 70 and not over 75 inches	30 lbs.
Over 75 and not over 80 inches	40 lbs.
Over 80 and not over 90 inches	50 lbs.
Over 90 and not over 100 inches	60 lbs.
Over 100 and not over 110 inches	70 lbs.

Boxes of this description in crates which exceed 110 inches exterior measurement will not be accepted.

†(c.) Exception—These restrictions and minimum weights do not apply to single paper boxes containing cloaks, suits, or cloth, which, when wrapped in strong paper, will be accepted without limit as to size and charged for upon actual weight.

(d.) The weights of packages subject to this rule may be aggregated as provided in Rule 11, but in aggregating such packages the minimum weights provided in paragraph (b.) must be observed.

(e.) Crates.—The term "Crated," as appearing in this rule, means that all sides and ends of any article so packed must be protected by wooden slats or strips, nailed or screwed together, making a framework strong enough to hold its contents and to permit of its being handled and stowed in wagons or cars on or under other freight without damage to crate or contents. The sides, top and bottom of the crate must be provided with a sufficient number of slats, not more than six inches apart, to hold the contents firmly in place and to protect them from contact with other freight.

Merchandise will not be accepted in ordinary strawboard or paper boxes, tendered for shipment in skeleton frames or in any crate that is not so securely made that it can be lifted with its contents and loaded or stowed in wagons or cars with the same safety that a box of the same weight could be loaded or stowed.

17. **Liquor Shipments, Except Ale, Beer and Other Non-Medicat Malt Beverages:**

(a.) Bottles, demijohns, jugs or glass containers must be pack in barrels, kegs or in wooden, corrugated or fibreboard box when packed in a wooden box or case, see paragraph (j.); wl packed in corrugated paper or in pulp or fibreboard shipp cases, must be accepted only under the following regulations

(b.) Corrugated paper boxes containing not more than bottles or glass containers, each of a capacity not exceeding quart, must be made of double-faced corrugated strawboard, outer facing to be not less than .016 of an inch in thickness waterproof, having a resistance of not less than 85 pounds the square inch, Mullen Test, and the inner facing not less tl .016 of an inch in thickness, having a resistance of not less tl 65 pounds to the square inch, Mullen Test, the combined bo having a resistance of not less than 175 pounds to the squ inch, Mullen Test. Each bottle must be packed separately i single-faced corrugated paper wrapper. Wrappers must be height of the box.

When six bottles are packed in one box as provided for in item, each bottle, in addition to being wrapped in a single-fa corrugated paper wrapper, must be separated by double-faced cor gated paper partitions. Wrappers and partitions must be full hei of the box.

The outer flaps, both top and bottom of all boxes, must firmly glued to the inner flaps throughout the entire area of c tact, and the seam made by the ends of the outer flap must sealed with a paper sealing strip, not less than 2 inches wide, hav a resistance of 60 pounds, Mullen Test, which must lap 2½ inc or more over the end of the box.

The box-maker's certificate must be printed, stamped or labe by the manufacturer on the outside of each package as follows

Certificate of Box Maker.

This box
Is made of double-faced Corrugated Strawboard,

Thickness Not Less Than	Outer Face Waterproofed..	.016 Inch
	Inner Face.....	.014 Inch
Resistance (Mullen Test)	Outer Face.....	85 Lbs. Per Sq. Inch
	Inner Face.....	65 Lbs. Per Sq. Inch
	Combined Board	175 Lbs. Per Sq. Inch

Name of Manufacturer.....

Address .....

(c.) Six or less bottles or glass containers, each of capacity exceeding one quart, may be accepted when packed in 3-ply more fibre or pulpboard boxes, lined throughout with doub faced corrugated paper; outer facing of the fibre or pulpbo box must be not less than .016 of an inch in thickness, wat proofed, having a resistance of not less than 85 pounds to square inch, Mullen Test, and the inner facing not less tl .016 of an inch in thickness, having a resistance of not less tl 65 pounds to the square inch, Mullen Test, the combined board h ing a resistance of not less than 175 pounds to the square inch, M len Test. The inner lining must extend throughout the entire and must be of double-faced corrugated paper, both inner and o face not less than .016 of an inch in thickness and the resista of the combined board not less than 175 pounds per square i Mullen Test. Each bottle must be packed separately in a sin faced corrugated paper wrapper. Wrappers must be full hei of the box.

When six bottles are packed in one box as provided for in item, each bottle, in addition to being wrapped in a single-fa corrugated paper wrapper, must be separated by double-faced co gated paper partitions. Wrappers and partitions must be full hei of the box.

The outer flaps, both top and bottom of all boxes, must firmly glued to the inner flaps throughout the entire area contact.

The box-maker's certificate must be printed, stamped or lab by the manufacturer on the outside of each package, showing tha complies with these conditions.

†Denotes changes other than reductions or increases.

—Continued.

(*d.*) **Over Six and Not More than Twenty One-Quart Bottles.**—Corrugated paper boxes containing over six and not over twenty bottles or glass containers, each of capacity not exceeding one quart, must be packed in a double corrugated paper box, one box fitting closely inside of the other, and each box made of double-faced corrugated strawboard, the outer facing of the outer box to be waterproofed fibre board, not less than .016 of an inch in thickness and having a resistance of not less than 85 pounds to the square inch, Mullen Test, the inner facing of not less than .016 of an inch in thickness, and having a resistance of not less than 65 pounds to the square inch, Mullen Test, the combined board having a resistance of not less than 175 pounds to the square inch, Mullen Test. The inner box to be of double-faced corrugated board, the outer and inner sheets being not less than .016 of an inch in thickness, and the combined board having a resistance of not less than 100 pounds to the square inch, Mullen Test. All bottles must be packed in single-faced corrugated paper wrappers and separated by double-faced corrugated paper partitions, both wrappers and partitions to be full height of the box. All outside seams or joints of corrugated paper boxes must be sealed with sealing strips not less than 2 inches wide, having a Mullen Test of 60 pounds to the square inch. The outer flaps, both top and bottom of boxes, must be firmly glued to the inner flaps throughout the entire area of contact. The box-maker's certificate must be printed, stamped or labeled by the manufacturer on the outside of each package, as follows.

Certificate of Box Maker.
This is a double box
Each Box Made of double-faced Corrugated Strawboard.
Outer Box

Thickness Not Less Than	Outer Face Waterproofed..	.016 Inch
	Inner Face.....	.016 Inch
Resistance (Mullen Test)	Outer Face.....	85 Lbs. Per Sq. Inch
	Inner Face.....	65 Lbs. Per Sq. Inch
	Combined Board	175 Lbs. Per Sq. Inch

Inner Box is double-faced Corrugated Board.
(Mullen Test).. 100 Lbs. Per Sq. Inch
Name of Manufacturer.....
Address .....

(*e.*) **Over Twenty One-Quart Bottles.**—A corrugated paper box containing more than twenty bottles or glass containers, each of capacity not exceeding one quart, will not be accepted.

(*f.*) **One-Gallon Jugs or Glass Containers.**—Demijohns, jugs or glass containers, each of capacity exceeding one quart and not exceeding one gallon, in corrugated paper boxes (not more than four such demijohns, jugs or glass containers must be packed in a corrugated paper box); such corrugated paper boxes must be made of double faced corrugated strawboard, the outer facing to be not less than .016 of an inch in thickness, waterproof, having a resistance of not less than 85 pounds to the square inch, Mullen Test, and the inner facing not less than .016 of an inch in thickness, having a resistance of not less than 65 pounds to the square inch, Mullen Test, the combined board having a resistance of not less than 175 pounds to the square inch, Mullen Test. Each demijohn, jug or glass container to be surrounded with a separate double-faced scored sheet full height of the box; the outer and inner sheets not less than .016 of an inch in thickness and the combined board having a resistance of not less than 100 pounds to the square inch, Mullen Test, and, in addition, the box must have a double-faced, corrugated strawboard sheet top and bottom. The above described corrugated paper boxes must be double top and bottom of the entire area. All outside seams or joints of corrugated paper boxes must be sealed with sealing strips of not less than 2 inches wide, having a Mullen Test of 60 pounds to the square inch. The outer flaps, both top and bottom of the boxes, must be firmly glued to the inner flaps throughout the entire area of contact. The box-maker's certificate must be printed, stamped or labeled by the manufacturer on the outside of each package, as follows:

Certificate of Box Maker.
This box
Is made of double-faced Corrugated Strawboard.

Thickness Not Less Than	Outer Face Waterproofed..	.016 Inch
	Inner Face.....	.016 Inch
Resistance (Mullen Test)	Outer Face.....	85 Lbs. Per Sq. Inch
	Inner Face.....	65 Lbs. Per Sq. Inch
	Combined Board	175 Lbs. Per Sq. Inch

Name of Manufacturer.....
Address.....

(*g.*) **Corrugated paper boxes containing one gallon and one quart:** Outer box must be made of double-faced corrugated strawboard, the outer facing to be not less than .016 of an inch in thickness, waterproof, having a resistance of not less than 85 pounds to the square inch, Mullen Test. The inner facing to be not less than .016 of an inch in thickness, having a resistance of not less than 65 pounds to the square inch, Mullen Test. The combined board to have a resistance of not less than 175 pounds to the square inch, Mullen Test. This box must be double top and bottom of the entire area. Each gallon container to be packed in a double-faced corrugated paper box, having an outer facing of not less than .016 of an inch in thickness, having a resistance of not less than 85 pounds to the square inch, Mullen Test. The inner facing to be not less than .016 of an inch in thickness, having a resistance of not less than 65 pounds to the square inch, Mullen Test, the combined board having a resistance of not less than 175 pounds to the square inch, Mullen Test. This box must be double top and bottom of the entire area. The quart container to be wrapped in a single-face corrugated paper wrapper, to be surrounded by a separate double-face scored sheet, full height of the bottle, the outer and inner sheet to be not less than .016 of an inch in thickness, the combined board having a resistance of not less than 100 pounds to the square inch, Mullen Test. The outer seams or joints of corrugated paper boxes must be sealed with sealing strips not less than two inches wide, having a Mullen Test of 65 pounds to the square inch. The outer flaps, both top and bottom of the boxes, must be firmly glued to the inner flaps throughout the entire area of contact. The box-maker's certificate must be printed, stamped or labeled by the manufacturer on the outside of each package as follows:

Certificate of Box Maker.
This box
Is made of double-faced Corrugated Strawboard.

Thickness Not Less Than	Outer Face Waterproofed..	.016 Inch
	Inner Face.....	.016 Inch
Resistance (Mullen Test)	Outer Face.....	85 Lbs. Per Sq. Inch
	Inner Face.....	65 Lbs. Per Sq. Inch
	Combined Board	175 Lbs. Per Sq. Inch

Name of Manufacturer.....
Address .....

(*h.*) **Two-Gallon Jugs or Glass Containers.**—Demijohns, jugs or glass containers, each of capacity exceeding one gallon and not exceeding two gallons, in corrugated paper boxes (not more than one such demijohn, jug or glass container must be packed in a corrugated paper shipping case); such corrugated paper cabe must be a double box, one box fitting closely inside of the other, and each box made of double-faced corrugated strawboard, the outer facing of the outer box to be waterproofed fibre board, not less than .016 of an inch in thickness and having a resistance of not less than 85 pounds to the square inch, Mullen Test, and the inner facing not less than .016 of an inch in thickness and having a resistance of not less than 65 pounds to the square inch, Mullen Test, the combined board of each box having a resistance of not less than 175 pounds to the square inch, Mullen Test. All outside seams or joints of corrugated paper boxes must be sealed with sealing strips not less than 2 inches wide having a

17. (h.)—Continued.

Mullen Test of 60 pounds to the square inch. The outer flaps, both top and bottom of the boxes, must be firmly glued to the inner flaps throughout the entire area of contact. The box-maker's certificate must be printed, stamped or labeled by the manufacturer on the outside of each package, as follows:

> Certificate of Box Maker.
>
> This is a double box
> Each Box Made of double-faced Corrugated Strawboard.
> Outer Box
> Thickness Not Less Than { Outer Face Waterproofed.. .010 Inch; Inner Face..... .010 Inch
> Resistance (Mullen Test) { Outer Face..... 90 Lbs. Per Sq. Inch; Inner Face..... 90 Lbs. Per Sq. Inch; Combined Board 175 Lbs. Per Sq. Inch
> Inner Box is double-faced Corrugated Board. (Mullen Test).. 175 Lbs. Per Sq. Inch
>
> Name of Manufacturer.....
>
> Address .....

(i.) **Jugs or Glass Containers Over Two Gallons.**—Demijohns, jugs or glass containers of more than two-gallon capacity, will not be accepted, except when packed as described in paragraph (j.).

(j.) **Bottles, Demijohns, Jugs or Glass Containers When Packed in Wood** will be accepted only under the following conditions: Each Bottle must be enclosed in a separate case or cover of corrugated paper or woven straw, grass or some substance of equal cushioning qualities.

Demijohns, Jugs or Glass Containers must either be enclosed separately in cases or covers as above provided, or securely packed in straw, excelsior or some other cushioning material in such manner as to prevent breakage by concussion or by contact with the box, or with other vessels or articles contained in the box.

Bottles—Not more than twenty-four one-quart or forty-eight one-pint bottles to the wooden box or wooden case.

One-gallon Demijohns, Jugs or Glass Containers—Not more than one to the wooden box.

Two-gallon Demijohns, Jugs or Glass Containers—Not more than one to the wooden box.

Demijohns, Jugs or Glass Containers of capacity exceeding two gallons will not be accepted unless completely enclosed in patent wooden carriers equipped with handles and means for protecting the container from breakage and pilferage.

(k.) All packages must be sealed, except barrels, casks or kegs.

8. Carload or Bulky Shipments, Not Including Live Animals or Live Stock:

†(a.) Property classified herein as first-class or higher, which by reason of its bulk, length, or weight, cannot be loaded or carried in the ordinary express car, and for which a special car must be provided, or heavy castings or other shipments of unusual size or weight, originating at or destined to way stations, even though they could be loaded in the ordinary express car, must not be accepted for shipment until the dimensions, the weight and a complete description of the property have been reported to the Superintendent and arrangements have been made by him for handling and forwarding the shipment through to destination, if such arrangements can be made.

†(b.) When the transportation of a shipment described in paragraph (a.) of this rule requires the use of an exclusive or special car, application for same must be made by the shipper in writing, and when such exclusive or special car is furnished the minimum charge on the shipment must be the charge on 10,000 lbs., at First-Class rate; if the shipment consists of articles or commodities that, under the Classification, are subject to higher than First-Class rate, and the gross weight is less than 10,000 lbs., the charge must not be more than the charge for 10,000 lbs. at the First-Class rate; if weighing 10,000 lbs. or more, the charge shall be for the actual gross weight at First-Class rate.

†(c.) If a shipper makes written request for an exclusive or s car for a shipment of second class matter, and such car is furn by the Express Company, the charge will be based on actual w at second class rate, minimum 12,000 lbs.

(d.) The charge on less than a carload shipment carried in r express car must not be greater than the charge on a carload shi in a special car.

(e.) **Carload Shipments for Race Tracks, Exposition Gro** Fair Grounds or Sidings, are subject to such Switching or minal Charge as may be provided in the "Terminal and Swit Charge Tariff" of the delivering company lawfully on file the Interstate Commerce Commission, the Canadian Rai Commission and the Public Service Commissions, First and ond Districts, State of New York, and the Railroad Commis with which this Classification is filed. Such shipments must b ceipted for as destined to the ultimate destination and so wayl only when Agent at shipping point has been furnished wi specific rate to such Race Track, Exposition or Fair Groun Siding. In the absence of a specific rate, the shipment mu receipted for as destined to the Express Company's ne office for which rates are given and waybilled accordingly.

(f.) **Unless otherwise provided in tariffs,** commodity rates a ing on carload shipments which are lower than L. C. L. comm or L. C. L. class rates do not include wagon service at either shi point or destination.

Rates fixed by the Classification as applying to carload shipm except carload shipments of Live Stock or Live Animals, in pick-up and delivery service within established limits at p where such service is maintained, or, in lieu of such pick-u delivery service, the carrier may at its option absorb the co switching or floating such carload shipments within such establ limits. When carload shipments which move under rates l than L. C. L. commodity or class rates, or when carload ments of Live Stock or Live Animals which move under commodity or classification rates are, at request of owner, p on a siding or at a dock beyond the usual terminal for such shipm carried by express, the additional switching or floating charg lawfully on file with the Interstate Commerce Commission, Canadian Railway Commission, the Public Service Commis First and Second Districts, State of New York, and the Rai Commissions with which this Classification is filed f any such ch is made by the railroad company for such service, will be ass against the shipment in addition to the regular charge, which c only transportation between passenger depots or to platforms lo on team tracks for unloading.

(g.) When part of a carload shipment is unloaded at an i mediate point, each delivery must be considered a separate s ment and charged for at the rate applicable to the weigh quantity delivered, unless otherwise provided in the Classific or in the tariff naming the through rate. If, however, a lo aggregate charge can be made by adding the local rates to from the point of unloading or by adding the carload rat destination to the local rate from destination to the point of loading the lower charge thus made will apply.

(h.) When shipments are offered which will fill one car and re also part of another car, the carload rate must be applied onl the full car. The balance of the shipment must be charged fo the less than carload rate, but the charge on less than a car must not exceed the charge on a carload.

(i.) No allowance must be made to shippers for loading, ting or bracing of cars, or for any other service which they perform in connection with carload shipments.

(j.) **Refrigeration—Carload shipments of Perishable Comm** ties—Refrigeration, being a separate and distinct servic transportation, is not included in the express rate, and w the express company's tariff does not state the additional ch for refrigeration, the express company will not undertak provide refrigeration, but the shipper may provide neces ice at owner's expense.

18. (*j.*)—Continued.

Where a stated amount per car for refrigeration is named in the Tariff, it includes the cost of initial icing and re-icing in transit to destination. Where the Tariff separates the charge for refrigeration into two parts, first the cost of initial icing and second a charge for re-icing in transit, or a charge per ton for quantity of ice furnished, such charges for re-icing in transit will be assessed in all cases, unless shipper gives instructions in writing to Agent at point of origin that the car must not be re-iced in transit. Agent at point of origin, on receipt of such written instructions will endorse on waybill "DO NOT RE-ICE IN TRANSIT."

If the shipment arrives after 6 o'clock P. M., or on a Sunday or a holiday, the shipment must be kept iced when necessary without additional expense to the owner up to 7 A. M. of the business day following, unless delivery is effected in the meantime.

19. Commodity Rates:

Whenever Commodity rates are established applicable to shipments of an article in stated quantities, they remove the application of the Classification rating on such commodity between the same points in such quantities.

20. Boxed:

†(*a.*) A "wooden box," as appearing in the Classifications means a wooden box or a wooden case with tight sides, ends, top and bottom, dovetailed together, or fastened together by nails or screws, shipments must not be boxed after being placed in a car.

†(*b.*) "Boxed" as appearing in the Classification means a wooden box as described in paragraph (*a.*) or a fibreboard, pulpboard or double-faced corrugated strawboard box, provided such fibreboard, pulpboard or double-faced corrugated strawboard box bears manufacturer's certificate that same conforms to the specifications hereinafter prescribed.

†(*c.*) Fibreboard or pulpboard used in making fibreboard or pulpboard boxes, must be three-ply or more, all plies firmly glued together, the outer ply waterproofed and no single ply less than .016 of an inch in thickness, except that the board forming the innermost slide of a triple slide box need not be waterproofed nor comply with Mullen Test requirements, and

†(*d.*) When the combined board is not less than .060 of an inch in thickness, having a resistance of not less than 175 pounds to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 60 inches, the gross weight of the box and its contents shall not exceed 40 pounds, or

†(*e.*) When the combined board is not less than .080 of an inch in thickness, having a resistance of not less than 200 pounds to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 65 inches, the gross weight of the box and its contents shall not exceed 65 pounds; or

†(*f.*) When the combined board is not less than .100 of an inch in thickness, having a resistance of not less than 275 pounds to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 70 inches, the gross weight of the box and its contents shall not exceed 90 pounds.

†(*g.*) Double-faced corrugated strawboard used in making double-faced corrugated strawboard boxes, must be made of corrugated strawboard with outer and inner facings of fibreboard or pulpboard, both facings having proper bending qualities, firmly glued to the corrugated sheet and the outer facing waterproofed, except that the board forming the innermost slide of a triple slide box need not be waterproofed nor comply with Mullen Test requirements, and

†(*h.*) When the outer facing is not less than .016 of a thickness, having a resistance of not less than 85 pounds to inch, Mullen Test, and the inner facing is not less than inch in thickness, having a resistance of not less than 65 the square inch, Mullen Test, the combined board having a of not less than 175 pounds to the square inch, Mullen Te outside dimensions of the box, length, width and depth ad exceed 60 inches, the gross weight of the box and its con not exceed 40 pounds; or

†(*i.*) When the outer facing is not less than .018 of an inc ness, having a resistance of not less than 85 pounds to the s Mullen Test, and the inner facing is not less than .018 of thickness, having a resistance of not less than 85 pounds to inch, Mullen Test, the combined board having a resistance than 200 pounds to the square inch, Mullen Test, and t dimensions of the box, length, width and depth added, do 65 inches, the gross weight of the box and its contents exceed 65 pounds; or

†(*j.*) When the outer facing is not less than .030 of an inc ness, having a resistance of not less than 135 pounds to inch, Mullen Test, and the inner facing is not less than .030 in thickness, having a resistance of not less than 135 pou square inch, Mullen Test, the combined board having a re not less than 275 pounds to the square inch, Mullen Te outside dimensions of the box, length, width and depth ad exceed 70 inches, the gross weight of the box and its con not exceed 90 pounds; or

†(*k.*) When two complete double-faced corrugated strawb one fitted closely inside the other and each box made faced corrugated strawboard fully complying with the re and specifications shown in paragraphs (*g.*) and (*h.*) o are used and the outside dimensions of the box, length, depth added, do not exceed 70 inches, the gross weight of t its contents shall not exceed 90 pounds; or

†(*l.*) When boxes are made of double strength corrug board (double-faced corrugated strawboard and single-f gated strawboard, glued together so as to make one p facing being not less than .018 of an inch in thickness, havi ance of not less than 85 pounds to the square inch, M the combined board having a resistance of not less than to the square inch, Mullen Test, and the outside dimens box, length, width and depth added, do not exceed 70 inche weight of the box and its contents shall not exceed 90 po

†(*m.*) Glassware, other fragile articles or articles in gla enware, packed in fibreboard, pulpboard or double-faced strawboard boxes, when the gross weight of the package pounds, will not be accepted for transportation.

†(*n.*) Joints or seams of boxes, made of fibreboard o as specified in paragraphs (*c.*), (*d.*) (*e.*) and (*f.*) of must be secured as follows

The sides of the box forming the joint or seam must than 1½ inches and be firmly glued together throughou area of contact and when the joint or seam is over 1 length a metal rivet, staple or stitch must also be placed of the joint or seam; or

The sides of the box forming the joint or seam m less than 1½ inches and be fastened together with staples or stitches not more than 3 inches apart, but whe of the joint or seam is more than 18 inches, the metal ri or stitches must not be more than 2½ inches apart.

†(*o.*) Joints or seams of boxes, made of double-f gated strawboard, as specified in this Rule, must join an together by a cloth or paper sealing strip not less than width and having a resistance of not less than 60 po square inch, Mullen Test, except that on boxes describ graphs (*j.*) and (*l.*) the sealing strip must be of cloth, 3 inches in width and having a resistance of not less tha to the square inch, Mullen Test, extending the entire le joint or seam and firmly glued to the box.

†Denotes changes other than reductions or increases.

21. Crated:

"Crated," as appearing in the Classification, except as provided in Rule 16, means that all sides and end: of any article or machine so packed must be protected by wooden slats, nailed, screwed or dovetailed together, and of sufficient strength to hold the article so packed and to protect it from abrasion or damage when the same is handled and transported with the ordinary and usual care; when applied to Live Animals, Live Stock, Live Birds, means that they must be completely enclosed in a crate of sufficient strength to prevent the escape of Animals or Birds and to ensure handling without damage to crate, contents or attendants, before being placed in the car.

22. Trussed:

"Trussed" means secured by wire or cord to a board projecting beyond the sides and ends of the article attached thereto.

23. Nested:

"Nested solid" means a series of similar articles nested in such a way that the outside and bottom surfaces rest against the inside and bottom of the article below, without any intervening space between the outside and inside surfaces.

"Nested," a series of similar articles nested or enclosed one within the other and fitting closely together, but not solid as prescribed above.

24. Refrigerator or Refrigerator Box:

A "Refrigerator" or "Refrigerator Box," is any package or box with separate receptacles or compartments for ice and for the commodity carried.

25. Change of Destination in Transit:

(a.) When the destination of a shipment in transit is changed to a point beyond the original destination, or to an intermediate point through which the shipment has not passed, charges must be assessed at the through rate from point of origin to final destination.

(b.) If the order to change destination in transit requires a back haul of the shipment, charges must be assessed at the rate to the point at which stopped plus the rate from such point to final destination.

Owners must be required to pay the cost of telegrams ordering change of destination made under this rule.

26. Reconsignments:

Carloads. If the destination of a carload shipment is c within 48 hours after the car reaches the original destinati the contents of the car have not been disturbed or removed, original destination is a directly intermediate point on a direc between point of origin and final destination, charges will be a on the basis of the through rate from point of origin t destination. If the original destination is not an intermediat on the direct route from point of origin to final destinati through charge must be assessed on the basis of the sum local rates to and from the original destination. Owner required to pay cost of telegraph and telephone messages o change of destination made under this rule.

Less than Carloads. On shipments other than carloads, after reaching original destination, are, by order of the reconsigned or reforwarded to the same or other consig another point, full local charges to and from the point of signment must be assessed.

27. Terminal Service:

Where special switching or other transportation servic performed by the express company, nor provided for tariffs, are desired by shipper or consignee, the express c will, upon request, act as agent for the shipper or consig securing the service desired, the shipper or consignee to burse the express company for the cost of the same as p in the lawfully filed tariffs of the railroad company perf the service.

28. Unrealized Charges on Refused Shipments of Fruits or tables.

When shipments of Fresh Fruits or Fresh Vegetables from points of origin in good condition become deterior transit and are refused at destination by the consignee, th be sold by the final carrier for account of whom it may c and if the amount realized from such sale is less than the assessable against the shipment under the carriers' tari charge for the transportation of the said perishable ship and for all accessorial and terminal services in connection with, shall, in such case, be the amount realized from su less the selling cost; provided, however, that if at such s goods are sold to the consignor or to the original or u consignee, or to anyone representing such consignor o signee, the transportation and other charges published carriers' tariffs shall apply, and the foregoing rule sh inoperative.

29. (a.) **Maximum Charges.** When rates are applicable to sp quantities or weights the charge on a lesser quantity or weig not exceed the charge on such specified quantity or weight.

†(b.) The charge for less than a carload shall not exce established minimum charge for a carload of the same ar commodity, nor shall the charge for a car fully loaded the charge for the same property if taken as a less than shipment.

†Denotes changes other than reductions or increases.

FREIGHT CLASSIFICATION.

First-Class Rates are applicable to all property received for transportation by the Companies parties to this Classification, unless of hereinafter provided.

Second-Class Rates are applicable to commodities herein classified as second class and to all articles of Food and Drink except as otherwise provided. (See Rule 19.)

Third-Class Rates are applicable to commodities herein classified as third class.

Pound Rates:—This term is used to indicate that the charge for a package of 100 pounds is to be multiplied by the number of in the shipment and the product so obtained divided by 100; the quotient so obtained will be the charge.

Explanation of Terms and Abbreviations used in this Classification.

1 stands for First-Class Rate.
2 stands for Second-Class Rate.
3 stands for Third-Class Rate.
½ of 1 stands for ½ of First-Class Rate.
1½ t 1 stands for 1½ times First-Class Rate.
2 t 1 stands for 2 times First-Class Rate.
3 t 1 stands for 3 times First-Class Rate.
4 t 1 stands for 4 times First-Class Rate.
5 t 1 stands for 5 times First-Class Rate.
6 t 1 stands for 6 times First-Class Rate.
7 t 1 stands for 7 times First-Class Rate
8 t 1 stands for 8 times First-Class Rate.
½ of 2 stands for ½ of Second-Class Rate
K. D. stands for Knocked Down.
N. O. S. stands for Not Otherwise Specified.
C. O. D. stands for Collect on Delivery for Account of Sh
L. C. L. stands for Less than Carload Shipments.

	Class
1 †Adding Machines:	
Boxed or in sample trunks	1
In their own cases only	2 t 1
Will not be accepted unless packed as provided above.	
2 Adding Machine Stands. (See Stands.)	
3 Advertisements N. O. S., Printed, Engraved, Lithographed, or Photographed on Paper, Cloth, or Cardboard, not including Billheads, Letterheads, or Letter Paper, Envelopes, Bags, Wrappers, or Ornamental Paper:	
Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (j)	3
When not so shipped	1
4 Aeroplane Boxes and Crates	2 t 1
5 Aeroplanes and Other Flying Machines (Not Airships or Balloons)—Must not be accepted for shipment until the dimensions and weight have been reported to the Superintendent and arrangements have been made by him for handling and forwarding the shipment through to destination, if such arrangements can be made.	
K. D., boxed	1
K. D., in crates, with or without canvas-covered sides (see Rule 21)	1½ t 1
K. D., not boxed or not crated	2 t 1
Not K. D. and not boxed or not crated, subject to Rule 18	3 t 1
If shipment consists of both boxes and crates apply First-Class rate to the boxed portion and one and one-half times First-Class rate to the crated portion of the shipment.	
6 Airships:	
Boxed or crated, with or without engine attached.	4 t 1
Not boxed or crated, with or without engine attached	8 t 1
Engine or Motor, boxed or crated	1
Engine or Motor, not boxed or crated	2 t 1
Balloon Parts of Airships, securely packed in canvas, or boxed or crated	1
7 Ale. (See Beer.)	

	A
8 Almanacs—Charges must be prepaid or guaranteed	
When shipped in accordance with Rule 1 (j)	
When not so shipped	
9 Animal Food	
10 Animal Heads, Mounted, Stuffed or Green:	
Boxed or crated so that freight of all description and weight can be loaded on top	
Not so packed	
11 †Animals and Birds, Live—Not including Pigeons, Poultry or Animals listed under the heading of "Live Stock."	
Charges must be prepaid or guaranteed	
Except as shown below, Uniform Live Stock Contracts must be executed for all shipments of Live Animals, Birds or Reptiles.	
Except as hereinafter provided, they must be boxed, crated or caged, and the number in each box, crate or cage, entered on the waybill.	
Food and utensils must be provided at the expense of the shipper.	
Instructions of shippers as to the feeding and care of animals in transit, when given in writing or plainly marked upon the container, must be complied with, and no charge will be made for feeding animals when the food accompanies the shipment.	
Charge for excess valuation must be assessed according to Rule 13 (c).	
Birds N. O. S., Cats, Ferrets, Guinea Pigs, Hares, Mice, Monkeys, Opossums, Prairie Dogs, Rabbits, Rats, Skunks, Squirrels and Reptiles upon which a value not exceeding $5.00 for each animal, bird or reptile, maximum $50.00 per shipment weighing 100 pounds or less, and not more than 50 cents per pound, actual weight, on each shipment weighing more than 100 pounds, has been declared, may be accepted on the Uniform Express Receipt.	
N. O. S.	
In carloads—The charge must be made on basis of 12,000 lbs. per car, but the charge on less than a carload of Animals or Birds in one shipment must not exceed the carload rate	
12 Animals, Live—(Except Camels, Elephants or Snakes and other Reptiles) which have been forwarded by Express to Fairs or Exhibitions, may be returned to the original point of shipment at First-Class rate; this will also apply to Dogs returned from Field Trials.	

†Denotes changes other than reductions or increases.

A	Class
mals and Birds, Live—Continued.	
†**Alligators**—Weighing each 10 pounds or less	1½ t 1
Weighing each over 10 lbs	2 t 1
When two or more are shipped in one receptacle and the weight exceeds 10 lbs	2 t 1
Camels:	
Not crated	3 t 1
Crated	1½ t 1
Dogs:	
In crates or kennels	1½ t 1
Not in crates or kennels, if securely chained, minimum weight, 100 lbs. each	2 t 1
Elephants:	
Not crated	3 t 1
Crated	1½ t 1
Frogs, Live	1
Skunks—Will not be accepted unless scent sacs are removed	1½ t 1
Snakes and other Reptiles N. O. S.—In wooden boxes lined with wire netting sufficiently close in mesh to prevent escape	2 t 1
Will not be accepted when not so boxed.	
ers:	
Boxed or crated or sawed apart and tied together	1
Not so shipped	2 t 1
estic Musical Instruments—(See Musical Instruments.)	
mobiles. (See Vehicles.)	
mobile Tires. (See Vehicles.)	
mobile Toys	1
liary Newspapers. (See Newspapers N. O. S.)	

B	
y Carriages. (See Vehicles.)	
gage Checks—Sent from one town to another for purpose of claiming baggage	1
Within the same town	Free
oons:	
Including Paraphernalia (except the Basket when empty) securely packed in canvas, or boxed or crated or contained in the Basket	1
Balloon Baskets—Empty	2 t 1
ns Carriers. (See Empties.)	
meters, Thermometers and Thermographs must be securely packed and boxed	1
ls, Empty. (See Empties.)	
ets:	
Nested, in bundles or crates	1
Not nested	2 t 1
ts (returned empty). (See Empties.)	
ing—Charges must be prepaid	1
Ribbon. (See Furniture.)	
Rugs. (See Furniture.)	
Springs. (See Furniture.)	
ands. (See Furniture.)	

B	Class
27 †**Beer and Ale**—Charges must be prepaid or guaranteed.	2
When in cases, kegs or barrels, charge on basis of following estimated weights unless actual gross weight is less:	
¼ barrel ..... pounds.. 50	
½ barrel ..... do.... 100	
½ barrel ..... do.... 180	
Full size barrel ..... do.... 350	
2 dozen pints, in cases ..... do.... 55	
1 dozen quarts, in cases ..... do.... 50	
2 dozen quarts, in cases ..... do.... 85	
3 dozen pints, in cases ..... do.... 80	
4 dozen pints, in cases ..... do.... 105	
4 dozen quarts, in cases ..... do.... 170	
6 dozen quarts, in barrels ..... do.... 250	
10 dozen pints, in barrels ..... do.... 250	
Barrels containing more than 6 dozen quart bottles, or more than 10 dozen pint bottles, must be charged for on the gross weight.	
When shipped in barrels, kegs, or cases, packed in ice, 20 per cent. will be added to the estimated weights named herein.	
When in bottles packed in corrugated paper or fibre-board shipping cases, the charge will be assessed on actual weight.	
Such packages containing more than three dozen pints or two dozen quarts will not be accepted.	
C. O. D. shipments of Ale or Beer will not be accepted. See Rule 14 (*l.*).	
28 **Bees**—Must not be accepted for shipment in ordinary hives unless they are closed so that no Bees can escape. Such openings as are necessary for ventilation at the entrance, bottom or top of the hive, must be securely covered with fine wire cloth. Bottoms, covers and other parts, must be fastened securely by strong staples or cleats. In case the cover is used as a shade board it must be fastened securely above cleats. The frames must be fastened so that they cannot vibrate. During hot weather either the bottom or cover or both must be removed for ventilation; during colder or changeable weather the amount of ventilation may be reduced, but in all cases an opening of five square inches must be left.	1½ t 1
29 **Berries:**	
When in crates charge on basis of weights as ascertained by weighing a number of crates each day	2
Except as otherwise provided, when in refrigerators, charge on basis of the following estimated weights:	
32-quart capacity ..... 115 pounds	
64-quart capacity ..... 200 pounds	
80-quart capacity ..... 250 pounds	2
When in baskets covered with gauze, cloth, or paper	1
Will not be accepted when without cover.	
30 **Bicycles.** (See Vehicles.)	
31 **Bicycle Tires.** (See Vehicles.)	
32 **Bird Food**	2
33 **Birds, Live.** (See Animals.)	
34 **Blanks, Printed**—Not including Billheads or Letterheads:	
Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (*j.*)	3
When not so shipped	1
35 **Boats**—If too long to load through side doors, they must not be accepted for shipment until the dimensions and weight have been reported to the Superintendent and arrangements have been made by him for handling and forwarding the shipment through to destination, if such arrangements can be made.	
Boats, Sectional, Folding or Folding Canvas—Folded or nested and securely packed	1
Canoes—Not boxed or folded, minimum weight 100 lbs., minimum charge $3.00 each	4 t 1
Rowboats—Not boxed or folded, minimum $2.00 each	4 t 1

ates changes other than reductions or increases.

B	Class
ats—Continued.	
Shells and Racing Rowboats—With or without outriggers, minimum $4.00 each	8 t 7
Boats N. O. S.—Securely and completely boxed or crated so that freight of all descriptions and weight can be loaded on top	3 t 1
Boats N. O. S.—Not completely boxed or crated	5 t 1
Boats in Carloads subject to Rule 18.	
odies of Vehicles. (See Vehicles.)	
ones, Human. (See Corpses.)	
ook Cases. (See Furniture.)	
ooks, Printed or Embossed—(Not applicable to Books entirely blank or with printed headings, such as Account Books or Diaries):	
When shipped in accordance with Rule 1 (j.)	3
When not so shipped	1
oxes, Cigar, Empty. (See Cigar Boxes.)	
oxes, Empty. (See Empties.)	
oxes, Paper, Empty. (See Paper Boxes.)	
read—Pound rates, minimum 25 cents	2
The billing weight of a shipment of Bread must be ascertained by deducting from the actual gross weight at time of shipment, the weight of the basket, box or barrel, in which shipped, which weight must be marked on the package by the shipper. If not so marked, charges will be made upon the gross weight, except that if shippers declare the net weight at time of shipment, charges will be made upon net weight. Agents must verify the tare marked on the package by weighing periodically the empty packages.	
In billing shipments of Bread the actual net weights will be used, but in no case shall shipments be accepted at less than the following net weights for each size container named below:	
2-bushel basket ..... 25 pounds.	
3-bushel basket ..... 30 pounds.	
4-bushel basket ..... 35 pounds.	
5-bushel basket ..... 40 pounds.	
6-bushel basket ..... 50 pounds.	
8-bushel basket ..... 60 pounds.	
10-bushel basket ..... 70 pounds.	
The size and weight of containers must be plainly shown on the package. If the weight of the containers exceed the following weights, empty:	
2-bushel basket ..... 25 pounds.	
3-bushel basket ..... 30 pounds.	
4-bushel basket ..... 35 pounds.	
5-bushel basket ..... 40 pounds.	
6-bushel basket ..... 45 pounds.	
8-bushel basket ..... 50 pounds.	
10-bushel basket ..... 55 pounds.	
An additional charge on the excess weight will be made at the Bread rate. Example: If a 5-bushel basket weighs 44 lbs., the basket when filled will be waybilled at the net weight of the Bread plus 4 lbs., but not less than 44 lbs.	
ead Empties (returned). (See Empties.)	
aggies. (See Vehicles.)	
ilbs	2
urial Cases, Routing of. (See Corpses.)	
urros. (See Live Stock.)	
utter Empties (returned). (See Empties.)	
uttermilk—In ordinary milk cans, estimate at 10 pounds per gallon	2

C	Class
16 Cactus	2
17 Caen Stone, Artificial. (See Marble.)	
18 Cake Empties (returned). (See Empties.)	
19 Cake, Pastry, Pies and Ice Cream Cones—Pound rate, minimum 25 cents	2
The billing weight of a shipment of Cake, Pastry, Pies and Ice Cream Cones, must be ascertained by deducting from the actual gross weight at time of shipment, the weight of the basket, box or barrel, in which shipped, which weight must be marked on the package by the shipper. If not so marked, charges must be made upon the gross weight except that if shippers declare the net weight at time of shipment, charges must be made upon net weight. Agents must verify the tare marked on the package by weighing periodically the empty packages.	
20 Calculating Machine Stands. (See Stands.)	
21 Calendars or Calendar Pads—Printed on paper or cardboard and not framed, encased or mounted on any material except paper or cardboard:	
Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (j.)	3
When not so shipped	1
22 Calves. (See Live Stock.)	
23 Camels, Live. (See Animals.)	
24 Cameras:	
Boxed	1
In light carrying cases	2 t 1
25 Candy, Chocolate, Confectionery and Glaced Fruits	2
26 Canoes. (See Boats.)	
27 Cans (returned empty). (See Empties.)	
28 Cape Jessamines	2
29 Carriages. (See Vehicles.)	
30 Carriages, Baby or Children's. (See Vehicles.)	
31 Cards, Printed, including Picture Post Cards—Not including Playing Cards:	
Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (j.)	3
When not so shipped	1
32 Cars—Chute-the-Chute, Loop-the-Loop, Merry-Go-Round, Miniature Railway, Roller Coaster, Scenic Railway, and Toboggan:	
Boxed or crated	1
Not boxed or crated	3 t 1
Bodies:	
Boxed or crated	1½ t 1
Will not be accepted when not boxed or crated.	
Running Gear	1
33 Carts. (See Vehicles.)	
34 Carts, Children's	1
35 Carts, Delivery. (See Vehicles.)	
36 Cash Registers:	
Boxed or in sample trunks	1
Will not be accepted when not so packed.	
37 Caskets and Coffins:	
Boxed	1
Not boxed	2 t 1
38 Casting Patterns. (See Patterns.)	
39 Catalogues (charges must be prepaid):	
When shipped in accordance with Rule 1 (j.)	3
When not so shipped	1
40 Cats. (See Animals, Live.)	
41 Cattle. (See Live Stock.)	
42 Celery Empties (returned). (See Empties.)	
43 Chairs. (See Furniture.)	
44 Chairs, Kindergarten. (See Furniture.)	

C	Class
ns (returned). (See Empties.)	
ughed—Minimum weight, 500 lbs.	
ed or crated	2 t 1
boxed or crated	1½ t 1
oxed or crated	1
See Poultry.)	
(See Candy.)	
rs—Will not be accepted, unless in wooden	3 t 1
hute Cars. (See Cars.)	
, Empty:	
	1
packed	1½ t 1
cluding those having Color Samples attached: must be prepaid or guaranteed.	
hipped in accordance with Rule 1 (j)	3
ot so shipped	1
e Oysters.)	
shets or Hampers (returned). (See Empties.)	
	2
ses of 6 dozen short pints, charge for 125 per case.	
se Caskets.)	
Live Stock.)	
Scales. (See Scales, Computing.)	
Milk—In ordinary milk cans, estimate at 10 gallon	2
ry. (See Candy.)	
rned). (See Empties.)	
rs and Peanut Roasters (Wheeled):	
detached, boxed or crated	1
oxed or crated	2 t 1
be accepted when not so boxed or crated.	

weight does not exceed 500 lbs., Corpses must be double the regular limited one-way first-class r fare, as named in the tariff or tariffs of the or other passenger carrier or carriers over nes the Corpse is transported, as lawfully on file Interstate Commerce Commission, The Canaway Commission and the Public Service Com- First and Second Districts, State of New York, Railroad Commissions with which this Classifica- ded; but never less than $3.00 for any distance. hat the corpse of a child under 12 years of age carried at single adult passenger fare, as pro- ove, but never less than $2.00; when the weight 500 lbs., charge should be made, in addition to e, for excess weight at first-class express rate. rates include, without additional charge, the tation of personal effects not to exceed 150 lbs. rwarded on the same receipt, any excess weight charged first class.

s must be placed in such coffins or cases as will the escape of offensive odors. A certificate of or health officer, stating cause of death, and vas not from infectious or contagious disease, attached to waybill and duplicate pasted on top

utside case or box should be provided with at handles.

s must not be sent C. O. D., nor with charges , unless the money to pay the C. O. D. bill, ges for transportation, is deposited with Express destination before shipment, and in such cases on Agent shall telegraph Agent at shipping point amount of money placed in his hands to cover ges, or to cover the C. O. D. bill, or both, as the be. The cost of telegrams must be paid by the n whose interest they are sent, and routing be to reach destination over the line of the Com- nose agent has the money on deposit.

C	Class
Corpses—Continued.	
In the absence of routing instructions from the shipper, corpses, burial cases and funeral supplies, including flowers, must always be forwarded via the route making the quickest time to destination, taking into account combination routes with other Companies.	
Cremated Remains	1
Disinterred Remains, which have been buried for 20 years or more, and Human Bones or Skeletons	1
20 Cots. (See Furniture.)	
21 Crab Empties (returned). (See Empties.)	
22 Crab Shells	2
23 Crates (returned empty). (See Empties.)	
24 ◆Crawfish	2
Must be charged for on basis of gross weight, except that Crawfish shipped with ice, which is necessary for its preservation, must be charged for on the basis of 25 per cent. added to the net weight of the Crawfish, unless actual gross weight is less at time of shipment; when shipped in refrigerator carriers the billing weight must be ascertained by deducting 25 per cent. from the gross weight.	
25 Cream Empties (returned). (See Empties.)	
26 †Cream, or Substitutes for Cream—In ordinary milk cans, estimated at 10 lbs. per gallon on full capacity of can	2
When in cans packed in ice in boxes or in other outside covering, or in refrigerator or vacuum cans, 20 per cent. must be added to the charge applicable to shipments in ordinary milk cans, but the charge so made must not be more than the second-class charge on the actual gross weight.	
27 Curtains, Drop. (See Scenery.)	
28 Cutters. (See Vehicles.)	
29 Cuttings, except Cut Flowers	2
D	
30 Deer, Elk or Moose—Carcasses of:	
With antlers detached	2
With antlers attached	1
31 Demijohns (returned empty). (See Empties.)	
32 Dogs, Live. (See Animals.)	
33 Doll Carriages	1
34 Doll Chairs	1
35 Dress Forms:	
Boxed or crated	1
Not so packed	2 t 1
36 Drink, Articles of, N. O. S.	2
See Rule 1.	
37 Drugs. (See Medicines.)	
38 Drums. (See Musical Instruments.)	
E	
39 Egg Cases (returned). (See Empties.)	
40 Eggs, Fish. (See Fish Eggs.)	
41 Eggs, Hatching	1
42 †Eggs, Market	2
Duck eggs must be charged for at actual weight.	
Eggs, other than duck, when in cases, estimate the weight at 53 pounds per case of 30 dozen, and 65 pounds per case of 36 dozen.	
When in cases, or packages containing other than 30 dozen, or 36 dozen, the charge will be based on the actual gross weight of the shipment.	

nges other than reductions or increases.

◆ Denotes reduction.

Eggs, Market—Continued.

Shippers must mark cases to denote the number of dozen therein.

Eggs in "Standard" cases or carriers which are too frail to stand transportation, or in orange, lemon, shoe or other miscellaneous boxes, will not be accepted.

"Standard" egg cases or carriers (sometimes termed "gift" cases) must be made of hard wood of not less than the following dimensions

Sides, top, and bottom, three-sixteenths of an inch in thickness; ends and center partitions, seven-sixteenths of an inch in thickness; and end cleats, one and one-half by seven-sixteenths of an inch in thickness.

Second-hand "standard" or "gift" cases or carriers (cases or carriers which have already been used in the transportation of eggs, and are reused) must be strapped with iron, wire, or wooden straps on the sides and bottom at each end.

All trays and dividing boards must be of hard calendar strawboard, weighing not less than 3 pounds to the set, and of sufficient size to fill the compartments to prevent shifting; the bottom dividing boards must be placed next to the eggs, and on top of a cushion of excelsior, cork shavings, cut straw, or corrugated strawboard cushion; the top dividing boards to be placed next to the eggs, and covered with sufficient excelsior, cork shavings, cut straw, or corrugated cushion to hold the contents firm in place.

Cases or carriers, whether new or second hand, containing second-hand fillers, will not be accepted, except that pulpboard moulded fillers may be used as often as same are in proper condition.

Eggs in Pulpboard Cushion Carton Fillers packed in standard egg cases will be accepted for shipment at the same rates and estimated weight as when packed with ordinary fillers.

Claims for broken eggs will not be considered or paid by the Express Company where the number of broken eggs in any case or crate is not in excess of five per cent of the contents of each such case or crate.

Where the quantity of broken eggs in any case or crate exceeds five per cent. of the contents thereof, claims will be considered or adjusted by the Express Company only on such number of the broken eggs in each case or crate which is in excess of five per cent. of the total number of eggs in each such case or crate.

Electrotype Plates. (See Stereotype Plates.)

Elephants, Live. (See Animals.)

Elk, Carcasses of. (See Deer.)

Emery Wheels:

In wooden boxes and securely packed in straw, excelsior, or some other cushioning material, in such manner as to prevent breakage by concussion or by contact with box, or with other vessels or articles contained in the box..... 1

Otherwise packed, will not be accepted.

Empty Carriers, Defined:

The ratings on Empty Carriers apply only on outside containers which are customarily used several times for the transportation of goods by freight or express.

Empty Carriers—Other than Returned:

Empty Carriers, New or Old, N. O. S., when the transportation is not a return movement, must be charged gross weight at the rate applicable on the commodity shipped in such carriers, but the rate per 100 lbs. applied must not be more than the First-Class rate. Subject to the rules and minimum charges applicable to the commodity transported in such Carriers when they are filled.

+Banana Carriers, New:

Not nested ..... 2 t 1

Nested 1

†Flour Sacks, Cloth or Paper..... 1

9 Empty Carriers, Returned:

Charges must be prepaid unless an agreement has been made with the owner of the Carriers whereby they may be returned with charges "to collect."

10 The charges given hereinafter, unless otherwise provided, cover the transportation of Returned Empty Carriers which were shipped when full over the lines of the Company or Companies by which they are returned, and apply only to Empty Carriers returned from original destination, or, when reshipped, from final destination to the point from which the filled carriers were originally shipped. The charges defined include wagon service within established delivery limits at points where such service is maintained, unless otherwise provided.

11 When necessary to expedite the movement of Returned Empty Carriers, they may be returned at the rates named herein by freight train at the option of the express company.

12 Returned Empty Carriers, not specifically named below, will be charged one-half the rate per 100 pounds that applies on the commodity shipped in the Carriers when full (Pound rates), but the rate per 100 lbs. applied must not be more than one-half the First-Class rate; minimum charge 15 cents per shipment.

13 The weights of two or more Empty Carriers from the same consignee must be aggregated and charged for upon the actual gross weight of the shipment; the weights of Empty Carriers from different shippers must not be aggregated.

14 When Empty Carriers named below are rated at a specific charge per Carrier, the charge must be applied upon each Carrier in the shipment, except that when the charge upon the gross weight at one-half of the rate per 100 pounds applicable to the commodity shipped in the Carriers when full, Pound rates, minimum charge 30 cents, is less than the charge at the rate per Carrier, such lower charge must be assessed.

15 The charges on Returned Empty Carriers, as shown herein, will not apply, to Trunks or other Packages which are locked or fastened so that it is impossible to ascertain if the packages are empty. Carriers so locked or fastened must be charged First-Class rate.

16 **Banana Carriers**—Of 1-bunch capacity.....each.. 10c.

17 **Baskets**—Laundry or Clothing.....do... 25c.

18 **Bread and Cake Empties:**

Baskets or Boxes, including, Folding Crates, K. D. .....each.. 5c.

The charge of 5c. each will not include wagon service; if not called for within 24 hours from time of arrival the Empties must be delivered by the Express Company and an additional charge made of 5 cents for each Empty.

If wagon service is furnished at the point where the Empties are picked up, an additional charge of 5 cents (or a total charge of 10 cents) prepaid, must be made for each Empty and this will entitle such Empties to be delivered without additional charge.

Barrels .....each.. 10c.

19 **Butter Empties:**

Not exceeding 20 lbs. each.....do... 10c.

Exceeding 20 lbs. each.....do... 15c.

Air Tight Jersey (6 in crate).....per crate.. 15c.

Refrigerators .....each.. 20c.

20 **Cans**—Which contained alcohol, fish, oils or varnishes .....each.. 15c.

21 **Celery Empties** .....do... 10c.

22 **Cheese Boxes:**

Not exceeding 20 lbs. each.....do... 10c.

Exceeding 20 lbs. each.....do... 15c.

†Denotes changes other than reductions or increases.

+Denotes increase

E — Class

pty Carriers, Returned—Continued.

Coops N. O. S.:
- Not exceeding 50 lbs. each.....each.. 15c.
- Exceeding 50 lbs. each.....do... 20c.
- Coops, Folding, K. D.....do... 10c.

Crab Empties:
- Weighing 40 pounds or less.....do... 10c.
- Weighing over 40 pounds.....do... 25c.

Cream and Milk Empties:
- Cans.....do... 10c.
- Cans containing empty glass test tubes....do... 25c.
- Cases or Tubs containing empty jars, bottles or cans:
  - Not exceeding 50 lbs.....per case.. 15c.
  - Exceeding 50 lbs.....do... 25c.
- Empty Cans returned by the Company which carried them when full must be receipted for and, when delivered at the depot by the shipper and taken from the depot by the consignee, must be returned free.

Demijohns—In boxes or kegs....per box or keg.. 15c.

Egg Cases.....each.. 10c.

Flower Baskets, Boxes or Crates:
- Weighing 15 lbs. or less.....do. 10c.
- Weighing over 15 lbs.....do... 15c.
- Refrigerator Boxes.....do... 25c.

Frog Boxes or Crates:
- Not exceeding 50 lbs. each.....do... 15c.
- Exceeding 50 lbs. each.....do... 20c.
- Coops, Folding, K. D.....do... 10c.

Fruit and Vegetable Empties N. O. S.:
- Not Refrigerators:
  - Capacity 36 quarts or less.....do... 10c.
  - Capacity more than 36 quarts.....do... 15c.
- Refrigerators:
  - Capacity under 64 quarts.....do... 25c.
  - Capacity 64 quarts and over.....do .. 50c.

Hampers—Laundry or Clothing.....do... 25c.

Ice Cream Empties:
- Not exceeding 5-gallon capacity.....do... 15c.
- Exceeding 5-gallon capacity.....do... 25c.

Jugs—In boxes or kegs.....per box or keg.. 15c.

Meat Empties:
- Boxes or Baskets.....each.. 10c.
- Refrigerators, not exceeding 75 lbs.....do... 25c.
- Refrigerators, exceeding 75 lbs.....do... 50c.

Oysters and Scallop Empties:
- Not over 5-gallon capacity.....do... 10c.
- Over 5-gallon capacity and not over 10-gallon capacity.....each.. 15c.
- Over 10-gallon capacity.....do... 25c.
- Cases containing empty jars or bottles....do... 15c.
- Cases without the empty jars or bottles...do... 10c.

Yeast Empties:
- Refrigerators, not exceeding 20 lbs.....do... 15c.
- Refrigerators, exceeding 20 lbs.....do... 25c.
- N. O. S.....do... 10c.

ines, Chemical. (See Chemical Engines.)

imated Weights:

When in packages described below charge on basis of the llowing estimated weights:

FROM ALL POINTS.

anges and Grape Fruit: *Weight.*
- Box 12 x 12 x 27 inches..... 80 lbs.
- One-half box 6 x 12 x 27 inches..... 40 lbs.
- Quarter box 6 x 12 x 12 inches..... 20 lbs.

E — Cl

Estimated Weights—Continued.

18 FROM OFFICES IN ALABAMA, LOUISIANA AND MISSISSIPPI.

Plants, Cabbage. *Weight.*
- In crates 8 x 16 x 26 inches.....50 lbs.
- In crates 8 x 14 x 16 inches.....25 lbs.
- In crates 8 x 9 x 12 inches.....12½ lbs.

19 FRUIT AND VEGETABLES FROM OFFICES IN ARIZONA AND CALIFORNIA.

The dimensions of the packages described below are exterior measurements for length and interior measurements for width and depth:

The estimated weights shown in this item will be used only when shipments are made without ice. When ice is used, add 25 per cent. to the weights named.

COMMODITY	PACKAGE	Dimensions in Inches			Estimated Weight
		Depth	Width	Length	
Apricots	Single crate	5	16	17½	26 lbs.
Artichokes	Standard half drum	....	....	....	70 "
Artichokes	Standard whole drum	....	....	....	140 "
Asparagus	Crate, containing 12 2-lb. bunches	....	...	....	28 "
Asparagus	Crate, containing 12 2½-lb. bunches.	...	....	...	34 "
Brussels Sprouts	Standard whole drum	18	34	....	115 "
Brussels Sprouts	Standard half drum	16	24	....	60 "
Cantaloupes	Crate, pony	12	12	24	57 "
Cantaloupes	Crate, standard	13	13	24	68 "
Cantaloupes	Crate, jumbo	14	14	23½	78 "
Cantaloupes	Crate, flat	4½	13½	24	29 "
Cherries	Box	2¾	9	19¾	11 "
Grapes	Single crate	5	16	17½	28 "
Grapes	Double crate	11¼	16	17½	56 "
Grape Fruit	Box	11½	11½	24	68 "
Grape Fruit	Half-box	5¾	11½	24	36 "
Lemons	Box	10½	14	25	84 "
Nectarines	Single crate	5	16	17½	25 "
Oranges	Box	11½	11½	24	72 "
Oranges	Half-box	5¾	11½	24	36 "
Parsley	Standard whole drum	18	34	....	75 "
Parsley	Standard half drum	16	24	....	40 "
Peaches	Box	5	11¾	19¾	21½ "
Pears	Box	9	11¾	19¾	50 "
Plums	Single crate	5	16	17½	26 "
Prunes	Single crate	5	16	17½	26 "
Rhubarb	Box	9¾	11	22	45 "

20 FRUIT AND VEGETABLES FROM OFFICES IN COLORADO.

COMMODITY	PACKAGE.	Dimensions in Inches			Estimated Weight
		Depth	Width	Length	
Apples	Box	11½	11½	19¾	50 lbs.
Apricots	Crate	5	16	17½	25 "
Cantaloupes	Standard crate	12¾	12¾	24	66 "
Cantaloupes	Pony crate	11¾	11	24	63 "
Cantaloupes	Pony crate	11¾	11¾	22	53 "
Cantaloupes	Two-third size crate	12¾	8¾	24	44 "
Cherries	Box	2¾	9	19¾	11 "
Grapes	Single crate	5	16	17½	25 "
Grapes	Double crate	11¼	16	17½	58 "
Lettuce	Barrel	....	....	....	80 "
Nectarines	Crate	5	16	17½	25 "
Parsley	Barrel	....	....	....	80 "
Peaches	Box	5	11¾	19¾	21½ "
Peaches	6-basket carrier	10	11	24	38 "
Pears	Box	9	11¾	19¾	50 "
Plums & Prunes	Box, size No. 1	5	16	17½	25 "
Plums & Prunes	Box, size No. 2	3	11¾	19¾	16 "
Spinach	Barrel	....	....	....	80 "
Vegetables N. O. S.	Barrel	....	....	....	110 "

notes changes other than reductions or increases.

E Class

Estimated Weights—Continued.

1 FRUIT FROM OFFICES IN IDAHO, MONTANA, OREGON AND WASHINGTON.

COMMODITY	PACKAGE	Dimensions in Inches			Estimated Weight
		Depth	Width	Length	
Apples	Bushel box	10½	11½	19	50 lbs.
Apricots	Crate	5	16	17½	25 "
Cantaloupes	Crate	11½	12½	22	60 "
Cherries	Box	2½	9½	19	11 "
Grapes	Single crate	5	16	17½	25 "
Grapes	Double crate	11¼	16	17½	55 "
Lemons	Box	25	13½	10¾	84 "
Nectarines	Crate	5	16	17½	25 "
Oranges	Standard box	24	11½	11½	75 "
Oranges	Half box	24	11½	8¾	36 "
Peaches	Box	4½	12	19½	22 "
Peaches	Box	5	12	19½	25 "
Peaches	Box	5½	12	19½	30 "
Pears	Box	9½	11½	19¾	45 "
Plums	Crate	5	16	17½	25 "
Prunes	Crate	5	16	17½	25 "

2 BERRIES FROM OFFICES IN CALIFORNIA AND OREGON.

Fruit refrigerators holding—

36 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 50 lbs.

45 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 60 lbs.

50 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 65 lbs.

54 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 67 lbs.

60 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 75 lbs.

64 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 80 lbs.

72 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 90 lbs.

96 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 120 lbs.

100 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 125 lbs.

108 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 135 lbs.

116 baskets strawberries commonly known as "quart" or "pound" baskets, estimate at 145 lbs.

To arrive at the proper weight of refrigerator chests when number of baskets shipped differs from number of baskets given above, add one and one-fourth pounds for each basket in excess of the next lower number shown above.

Cherries, in refrigerators—Add 25 per cent. to an estimated weight of 11 pounds per standard box.

Raspberries, or other small fruit, in refrigerators, when various sizes of baskets are used, must be billed at 25 per cent. addition to net weight, but *in no case at less weight than provided above on the strawberry capacity of the refrigerator.*

3 OYSTERS IN CANS, PACKED IN ICE, FROM OFFICES IN CALIFORNIA AND OREGON.

	Estimated Weight
48 cans, Eagle Brand	111 lbs.
36 cans, Eagle Brand	85 lbs.
24 cans, Eagle Brand	55 lbs.
18 cans, Eagle Brand	43 lbs.
12 cans, Eagle Brand	27 lbs.
6 cans, Eagle Brand	14 lbs.
48 cans, Blue Points	76 lbs.
36 cans, Blue Points	59 lbs.
24 cans, Blue Points	38 lbs.
12 cans, Blue Points	18 lbs.
6 cans, Blue Points	10 lbs.

E Class

Estimated Weights—Continued.

Oysters in Cans, Packed in Ice, from Offices in California and Oregon—Continued.

	Estimated Weight
36 cans, Eagle Brand; 12 cans, Blue Points	102 lbs.
36 cans, Eagle Brand; 6 cans, Blue Points	90 lbs.
24 cans, Eagle Brand; 24 cans, Blue Points	92 lbs.
24 cans, Eagle Brand; 12 cans, Blue Points	76 lbs.
20 cans, Eagle Brand; 8 cans, Blue Points	57 lbs.
12 cans, Eagle Brand; 12 cans, Blue Points	48 lbs.
12 cans, Eagle Brand; 6 cans, Blue Points	39 lbs.
6 cans, Eagle Brand; 6 cans, Blue Points	23 lbs.

4 FISH.

From March 1st to November 30th, inclusive, from offices in Delaware, Maryland and New Jersey; also from New York, N. Y., Philadelphia, Pa., Washington, D. C., Fort Monroe, Va., Norfolk, Va., and Portsmouth, Va.:

In flour barrels of the following maximum dimensions, charge on 180 pounds each, unless actual gross weight at time of shipment is less:

Outside circumference, around head over hoop ..... 58 inches
Circumference midway between heads. 65 inches
Length of stave ..... 29 inches

In sugar barrels of the following maximum dimensions, charge on 225 pounds each, unless actual gross weight at time of shipment is less:

Circumference on outside of top hoop..65 inches
Circumference midway between heads. 75 inches
Length of stave ..... 31½ inches

No reduction to be made from these weights for ice.

Exception—The foregoing estimated weights do not apply on intrastate traffic between offices in the State of Virginia.

Note—Shipments in flour barrels or in sugar barrels during the months of December, January and February must be charged according to weight basis shown in Item 10, page 29. Shipments in packages other than flour barrels or sugar barrels must at all times be charged according to weight basis shown in Item 10, page 29.

The Southern Express Company will only use the above estimated weights on Fish from Fort Monroe, Norfolk and Portsmouth, Va., to its offices common with the Adams Express Company and to offices of other Companies not reached by the Southern Express Company.

5 HARD AND SOFT SHELL CRABS FROM OFFICES IN MARYLAND AND VIRGINIA.

Charge on the basis of the following estimated weights, unless actual weight, subject to Rule 1 (h), is less:

Hard Shell Crabs, in barrels, of the following dimensions, with or without ice, 100 lbs.

Height ..... 29 inches
Circumference at top ..... 54 inches
Diameter at top ..... 16 inches
Circumference at centre ..... 62 inches
Diameter at centre ..... 18½ inches

Soft Shell Crabs, in boxes, with or without ice.

Boxes 10 x 15 x 24 inches ..... 40 lbs.
Boxes 10 x 18 x 24 inches ..... 60 lbs.
Boxes 10 x 20 x 32 inches ..... 80 lbs.
Boxes 13 x 20 x 32½ inches ..... 100 lbs.

F	Class
1 Feathers:	
Closely compressed in bales	1
N. O. S.	1½ t 1
2 Feathers, Millinery	1
3 Ferns, Cut	2
4 Ferrets. (See Animals, Live.)	
5 Fertilizer and Fertilizer Material, dry and deodorized	2
6 Figures, Papier Mache. (See Papier Mache Figures.)	
7 Films, Moving Picture. (See Moving Picture Films.)	
8 †Fire-arms:	
Employes must satisfy themselves that fire-arms not packed are not loaded before accepting them for shipment.	
Boxed, crated, trussed, or taken apart and packed in sole leather cases	1
Not so packed	2 to 1
Toy Guns, securely packed	1
9 Fish Eggs, Hatching	1
10 Fish, Fresh, Frozen, Smoked, Dried, Salted, Pickled or Otherwise Preserved or Cured	2
Must be charged for on basis of gross weight, except that Fresh or Frozen Fish, shipped with ice, which is necessary for its preservation, must be charged for on the basis of 25 per cent. added to the net weight of the Fish, unless actual gross weight is less at time of shipment.	
11 Fish, Live, Aquarium or Breeding—At gross weight of Fish, cans, water and ice less 25 per cent., charges must be prepaid or guaranteed	1
12 Fish, Live, in tanks or cans containing water, not including Aquarium or Breeding Fish—Gross weight less 25 per cent	2
13 Flour Sacks, Cloth or Paper. (See Empties.)	
14 Flower Baskets, Boxes or Crates (returned) (See Empties.)	
15 Flowers for Funerals, Routing of. (See Corpses.)	
16 Flying Machines. (See Aeroplanes.)	
17 Food, Articles of, N. O. S. See Rule 1.	2
18 Forms, Dress. (See Dress Forms.)	
19 Frames, Vehicle. (See Vehicles.)	
20 Frogs, Live. (See Animals.)	
21 †Fruit, Green:	
Including Green Fruit in wooden or slatted covered baskets, also in baskets covered with corrugated or fibreboard covers not less than .060 of an inch thick and having a resistance of not less than 65 pounds to the square inch, Mullen Test, secured by gluing or pasting to the basket at the ends	2
Green, in gauze, cloth, or paper-covered baskets, subject to Rule 1 (i)	1
When without cover, will not be accepted.	
22 ◊Fruit or Vegetable Box and Fruit or Vegetable Basket Material, K. D.—Minimum, charge 25 cents	½ of 1
23 Fruit Empties (returned). (See Empties.)	
24 Funeral Supplies, Routing of. (See Corpses.)	
25 Furniture:	
25 Bedsteads, Iron, K. D. or Parts thereof—The enamel work protected by a wrapping of either paper or burlap, not boxed or crated	1
27 Bed Springs, Bed Slats (tied together) and Bed Sides (properly protected)	1
28 Book Cases—Sectional, K. D. flat, and boxed or securely crated	1
N. O. S., same as Furniture N. O. S.	
29 Chairs, Folding, Steamer, Camp or Opera	1
30 Chairs—Iron frame	1
31 Chairs, Kindergarten	1
32 Chairs, Rustic, including Settees—Same as Furniture N. O. S.	

F	
Furniture—Continued.	
33 Chairs N. O. S.—Same as Furniture N. O. S.	
34 Cots, Folding	
35 Furniture Frames—Set up, same as Furniture N. O. S.	
36 Letter File Cases—Same as Furniture N. O. S.	
37 Refrigerators	
38 School Desks	
39 †Shoe Racks—Same as Furniture N. O. S.	
40 Stools, Iron Frames	
41 Stools, Organ or Piano:	
When shipped with instrument, not boxed or crated	
Boxed or crated	
42 Tables, Caterers', K. D. or Folding	
43 †Furniture N. O. S.—New or Second Hand, must be boxed or crated	
Minimum charge First Class under Scale 10.	
Charges on Second-Hand Furniture must be prepaid.	
44 Furniture in Carloads, see Rule 18.	
45 Furs and Skins	
Raw Furs and Skins, when baled by machinery, bound with rope and then enclosed in burlap or cloth tightly sewn to prevent loss of the Skins from the package, must have the address marked on the outside of the package or on a wooden strip to be securely attached flat to the package.	
When not baled by machinery, or when not packed in boxes or barrels, they may be accepted in burlapped or cloth packages or sacks. When enclosed in burlap or cloth, such covering must be tightly stitched to prevent loss of Skins from the package, and the address must be marked upon a wooden strip securely attached flat to the package. When enclosed in sacks, which must be in good shipping condition—without holes and not patched, each sack must be securely tied around the neck with cord to which shall be attached a tag addressed to the consignee. The cord must then be sealed with wax on the back of the tag and notation must appear on the waybill that package is sealed.	
A duplicate address must be placed on the inside of all such shipments for the purpose of identification in case the outside address is lost or obliterated.	
Shipments of Skunk Skins, Green, unless packed in tight barrels or boxes, will not be accepted.	
G	
46 Gear, Running. (See Vehicles.)	
47 Ginseng, Ginseng Root or Golden Seal Root will not be accepted unless in tight barrels or wooden boxes	
48 Glaced Fruits. (See Candy.)	
49 †Glass N. O. S.—Boxed or crated	
Mirrors, value exceeding $2.00 each, must be in wooden boxes.	
Show Cases or Show Case Frames, in wooden boxes or crates fully protecting all glass parts:	
K. D.	
Set up	
50 Goats. (See Live Stock.)	
51 Golden Seal Root. (See Ginseng.)	
52 Grain—Except Samples of Grain	
53 Grain, Samples of—Charges must be prepaid.	
When shipped in accordance with Rule 1 (j.)	
When not so shipped	
54 Grain Cradles:	
Set up in bundles, knives wrapped with burlap or straw	
K. D., in bundles	
K. D., in boxes or crates	

†Denotes changes other than reductions or increases.

◊ Denotes

G

	Class
Grain Sieves.	
When protected by wooden strips to prevent the puncturing of same	1
When not so protected	2 t 1
Greens, Decorative, Cut—In boxes, crates or covered baskets	2
Guinea Pigs. (See Animals, Live.)	

H

Hampers, Laundry or Clothing (returned empty). (See Empties.)	
Hand Baggage. (See Valises.)	
Harps. (See Musical Instruments.)	
Hides of Domestic Animals, Green—Must be packed in tight wooden boxes, barrels or kegs, otherwise will not be accepted	2
Hobby-Horses:	
Boxed or crated	1
Not boxed or crated	2 t 1
Hogs. (See Live Stock.)	
Homing Pigeons. (See Poultry.)	
Hops	2
Horses. (See Live Stock.)	
Hurdy Gurdies. (See Musical Instruments.)	

I

Ice, Pound rates, minimum 25 cents	2
Ice Cream—Pound rates, applying weights shown below, subject to the following minima	2

Shipments weighing 100 pounds or less, minimum second-class package charge under Scale J, I. C. C. No. A-1632, Suppléments thereto and reissues thereof.

Shipments weighing over 100 pounds, minimum 49 cents per 100 pounds.

Apply the Estimated Weights given below when ice is used for packing, except that when shipping agent is unable to determine with certainty the capacity of the can, the shipment must be weighed and billed at gross weight with an allowance of 25 per cent. off for ice.

Ice Cream, in cans, packed in pails, tubs or barrels, with ice, must be waybilled at the following estimated weights:

	Pounds		Pounds
1-gallon can	30	4-gallon can	80
2-gallon can	50	5-gallon can	100
3-gallon can	60		

Over 5 gallons in the same tub or barrel, 18 pounds per gallon.

When shipment consists of two or more pails, tubs or barrels, the estimated weights given above must be applied to the total number of gallons of Ice Cream in each outside container.

Charge on basis of full capacity of can whether shipped full or partly filled.

When the estimated weights named above are used, no allowance must be made for ice; when no ice is used in packing, charge on the gross weight of the shipment.

Ice Cream Cones. (See Cake.)	
Ice Cream Empties (returned). (See Empties.)	
Illustrating Plates. (See Stereotype Plates.)	

J

	Cl
19 **Jacks.** (See Live Stock.)	
20 **Jennies.** (See Live Stock.)	
21 **Jugs** (returned empty). (See Empties.)	

L

22 **Labels, Printed**—Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (*j*.)	
When not so shipped	
23 **Ladders Wooden, Poles Wooden, Spars Wooden:**	
Not exceeding 15 feet in length	
Exceeding 15 feet in length	2 t
Over 25 feet in length, subject to Rule 18.	
24 **Laundry**—Charges prepaid or guaranteed, Pound rates, minimum 35 cents (unless scale charge is less)	
25 **Laundry Baskets or Hampers.** (See Empties.)	
26 **Letter File Cases.** (See Furniture.)	
27 **Life Floats and Life Rafts**	2 t
28 †**Liquor**—Alcoholic, Fermented, Spirituous, Vinous, or other intoxicating liquor, except Ale, Beer and other non-medicated Malt Beverages. Must be packed in accordance with Rule 17	

CHARGES MUST BE PREPAID OR GUARANTEED.

C. O. D. shipments of Alcoholic, Fermented, Malted, Spirituous, Vinous, or other Intoxicating Liquor (including Ale, Beer, and other Malt Beverages) will not be accepted. See Rule 14 (*l*.).

Shipments of intoxicating liquors refused or undelivered shall be returned to shippers at the expiration of 30 days from time of arrival at destination, subject to charges both ways.

29 **Lithographic Stones**—Will not be accepted if not boxed or crated	2 t

30 **Live Stock**—Charges must be prepaid or guaranteed.

Will be received only upon the execution of the Uniform Live Stock Contracts, except that Calves and Sheep for market may be accepted on the Uniform Express Receipt.

31 On mixed shipments of live stock and other matter Uniform Live Stock Contracts must be executed for the Animals, and Uniform Express Receipt must be issued for the other matter loaded in the car—the other matter being accepted subject to the terms and conditions of the Uniform Express Receipt.

32 Food and Utensils must be provided at the expense of the shipper.

33 When carloads of Live Stock are unloaded for rest and feed under the Federal Law, the cost of such unloading, feeding and reloading must be borne by the owner. Switching Charges in connection with such service will be borne by the Express Company. When, at request of shipper, the number of animals reforwarded from such feeding point is more or less than the number of animals in the original shipment, an additional charge will be made in accordance with Item 16, page 31.

34 Instructions of shippers as to the feeding and care of animals in transit, when given in writing or plainly marked upon the container, must be complied with, and no charge will be made for feeding animals when the food accompanies the shipment.

35 Charge for excess valuation must be assessed according to Rule 13 (*c*.).

36 Horses, Mules, Cattle, Jacks, Jennies, Colts, Burros or Ponies, when not crated, must be accepted only by authority of the Superintendent, which must be given only when the shipment originates at and is destined to a point at which facilities for handling such shipments are provided and after arrangements have been made for the handling, transferring and forwarding the shipment through to destination, if such arrangements can be made.

†Denotes changes other than reductions or increases.

L — Class

Live Stock—Continued.

The rates herein provided do not include any service of the Express Company in passing Imported shipments through the custom house

†Waybills for Horses in carloads must always show the kind of horses, that is "Race Horses" or "Commercial Horses," High Grade or Exhibition Horses, Trick Horses for shows, Polo Ponies or Polo Horses and Carriage Horses will be designated and treated as "Commercial Horses."

Live Stock, in Carloads:

N. O. S.—The charge must be made on an estimated weight of 12,000 lbs. per car..... 1

The carriage of Attendants with Live Stock is governed by the rules published in "Terminal and Switching Charges" Tariff I. C. C. No. A-2095, C. R. C. No. 2270, P. S. C.—1 N. Y.—No. 22, P. S. C.—2 N. Y.—No. 102, Supplements thereto and reissues thereof.

On mixed carload shipments of Cattle or Live Animals, with Horses, Jacks, Jennies or Mules, the classification applying on Horses will apply on all.

On mixed carload shipments of Cattle with Live Animals, the classification applying on Cattle will apply on all

Where mixed carload shipments of Live Animals and Horses as provided in Items 5, 6, 7, 8, 9 and 10 contain a total number of animals in excess of the maximum provided in Item 13, the excess animals must be charged for at the first-class rate on gross weight, but not more than the charge on the same number of additional Horses under Item 15.

On mixed carload shipments of Cattle and Calves (Calves 6 months old or under) charge first-class rate on 100 pounds for each Calf in excess of the maximum number of animals provided for Cattle in Item 13.

On mixed carload shipments of Horses and Colts (Colts 6 months old or under) charge first-class rate on 200 pounds for each Colt in excess of the maximum number of animals provided for Horses in Item 13

On mixed carload shipments covered in Items 5, 6, 7, 8, 9 and 10, Colts over six months old will be rated same as Horses, and Calves over six months old will be rated same as Cattle.

The carload rate will apply on each special car whether containing one or more animals, but not exceeding the maximum number wherever specified, and provided that the carload charge will not cover the transportation of any animals in excess of the capacity of the car used

The charge on less than a carload of animals in one shipment must not exceed the carload rate

†The maximum number of animals which will be carried in one car at the carload rate is as follows.

Race Horses, in stalled cars..... 16
Horses, other than Race Horses, in stalled cars 20
Horses, in cars not stalled.....28
Jacks, Jennies, Mules, Burros, Ponies, Colts or Cattle:
Crated or in stalled cars..... 20
Not crated or in unstalled cars 28
Calves Goats Hogs, Sheep, crated, or not crated, not exceeding the number that can be safely loaded in the car

†When horses, jacks, jennies, mules or cattle are shipped in unstalled cars and the owner requests that one or more of the animals be separately stalled, the express company will provide therefor either by the use of a gate or partition or the erection of a stall, and an additional charge of $10 will be assessed for each such division or stall, provided that where cars are equipped with gates or partitions and the loading space is divided into several sections no additional charge will be made.

L — Class

Live Stock—Continued.

15 †For each animal in the car in excess of the maximum number provided, charge in addition to the carload rate as follows:

Race Horses, in stalled cars.....1/16 of the carload rate
Horses, other than Race Horses, in stalled cars .....1/20 of the carload rate
Horses, in cars not stalled.....1/28 of the carload rate
Jacks, Jennies, Mules, Burros, Ponies, Colts, or Cattle:
Not crated or in unstalled cars.....1/28 of the carload rate
Crated or in stalled cars.....1/20 of the carload rate

16 Partial loading or partial unloading of carloads of live stock at a directly intermediate point will be permitted on payment of an additional charge:—

For carloads of Race Horses, $45.00 per car.
For carloads of Horses other than Race Horses, or for carloads of other Live Stock, $10.00 per car.

If such partial loading or partial unloading is performed at more than one directly intermediate point, the additional charge will be made at each of such points

17 †If, in adding an animal or animals, the maximum number provided for is exceeded, the charge for each animal (including Jacks, Jennies, Mules, Burros, Ponies or Colts) in excess of the maximum number must be the First-Class rate on 1,000 lbs. between the points where such excess animal or animals are carried, in addition to the carload rate and the loading charges. The additional charge for loading or unloading accrues to the Company on whose lines it occurs. The charge provided above for adding to or unloading from carload shipments must be covered by a separate waybill, and the words "Loading Charge" or "Unloading Charge" (whichever it is), must appear on the waybill, preceding the amount assessed.

18 When the local charge to the point of loading or unloading added to the local charge from that point to destination makes a lower through charge than provided above, the combined local charges must be applied.

19 †When a shipper has contracted for a car to transport a shipment of live stock, he may load in the unoccupied space therein without additional charge beyond the authorized rate for the animals, any of the stable equipment ordinarily used in connection with the animals shipped, such as blankets, necessary feed enroute, stable dogs, and wearing apparel of attendants, including, with horses, mules or ponies, sulkies, saddles, or harness. When the declared value of such paraphernalia exceeds $50.00 for a shipment weighing 100 pounds or less or 50 cents per pound for a shipment weighing over 100 pounds, the excess value must be charged for in accordance with Rule 13 (a.).

20 If the shipper desires a car for his exclusive use for one or more animals less than a carload, the request must be made in writing, but such special car will be provided only when available and only by authority of the Superintendent and only when for use between points at which facilities for handling such shipments are provided. When such special car is used charge the carload rate.

21 An additional charge must be made at first-class rate on gross weight of automobiles, carriages, wagons, household goods, furniture, trunks containing wearing apparel not belonging to attendants, and all other matter loaded into the car with the animals, except that when the number of animals is less than 12, each animal shall be estimated as weighing 1,000 pounds, and to the weight of the animals so ascertained shall be added the gross weight of the automobiles or other articles named in this item that are included in the car, and from the combined weight, 12,000 pounds deducted The additional charge at first-class rate will then apply on the weight in excess of 12,000 pounds

†notes changes other than reductions or increases.

L — Class

Live Stock—Continued.

When a race track or fair grounds is situated beyond the delivery limits of a city or town and a switching charge or local rate is established between the city or town and the Race Track or Fair Grounds, such switching charge or local rate, assessed in addition to the carload rate up to the city or town, will include free delivery of stable equipment or other matter carried in a car with Live Stock provided wagon service is maintained at the Race Track or Fair Grounds. In the absence of a switching charge or local rate from the city or town to the Race Track or Fair Grounds, any stable equipment or other matter carried in a car with Live Stock which is hauled by the Express Company to or from or at the Fair Grounds or Race Track must be charged 40 cents per 100 lbs. in addition to the carload rate.

The rate on a carload shipment of Live Stock between any two points does not include stoppage in transit at an intermediate point for races or exhibition; if car is stopped at an intermediate point, and delivered to the owner or his representative, local charge must be made for each reshipment.

Live Stock, in less than carloads:

Cattle, including Calves:

†Not crated:

Each weighing not over 200 lbs..... 1½ t 1

Each weighing over 200 lbs. must be crated.

Crated:

Each weighing not over 750 lbs. gross..... 1

Each weighing over 750 lbs. gross..... 1½ t 1

When two or more are shipped in one crate and the gross weight exceeds 750 lbs. charges will be assessed on gross weight..... 1½ t 1

Goats and Hogs:

Crated 1

Will not be accepted when not crated, unless in carloads.

Horses, Jacks, Jennies, Mules, Burros, Ponies or Colts:

Not crated:

Each weighing not over 500 lbs..... 1½ t 1

Each weighing over 500 lbs. will be estimated to weigh 1,000 lbs., minimum $25.00; the minimum applies to each animal in the shipment, but the total charge must not exceed the carload rate ..... 3 t 1

Crated:

Each weighing not over 500 lbs. before crating or not over 750 lbs. after crating..... 1

Each weighing over 500 lbs. before crating or 750 lbs. after crating..... 1½ t 1

Sheep:

Crated 1

Not crated ..... 1½ t 1

Lobsters—Pound rates, minimum 35 cents (unless the scale charge is less)..... 1

When it is necessary to use ice for preservation and it is used for that purpose only, add 25 per cent. to net weight, unless actual gross weight is less at time of shipment.

Loop-the-Loop Cars. (See Cars.)

Lottery Tickets or Lottery Literature will not be accepted.

M — Class

9 **Magazine Covers and Newspaper Heads**—Charges must be prepaid:

When shipped in accordance with Rule 1 (j).....

When not so shipped.....

10 **Magazines.** (See Newspapers other than Daily.)

11 **Marble** (except Statuary) and **Artificial Cast Stone:**

Will not be accepted if not boxed or crated.....

12 †**Matrix** (paper moulds for casting stereotype plates)—Charges prepaid or guaranteed, Pound rates, minimum 25 cents.....

13 †**Mattresses**—Charges must be prepaid.....

14 **Meat Empties** (returned). (See Empties.)

15 †**Meat, Fresh or Cured**.....

When it is necessary to use ice for preservation and it is used for that purpose only—

In boxes or barrels, not refrigerators, add 25 per cent. to net weight, unless actual gross weight is less at time of shipment.

In refrigerator boxes, add 40 per cent. to net weight, unless actual gross weight is less at time of shipment.

When in refrigerator boxes, the minimum weight charged for shall be 100 lbs.

16 **Medicated Beverages**—Charges prepaid or guaranteed..

17 **Medicines**—Charges prepaid or guaranteed.....

18 **Merchandise N. O. S.** .....

See Rule 1.

19 **Merchandise, Samples of**—(See Samples of Merchandise.)

20 **Mercury Arcs.** (See X-Ray Tubes.)

21 **Merry-go-Round Cars.** (See Cars.)

22 **Mice.** (See Animals, Live.)

23 †**Milk**—In ordinary milk cans, estimate at 10 lbs. per gallon on full capacity of can.....

When in cans packed in ice in boxes or in other outside covering, or in refrigerator or vacuum cans, 20 per cent. must be added to the charge applicable to shipments in ordinary milk cans, but the charge so made must not be more than the second-class charge on the actual gross weight.

24 **Milk Empties** (returned). (See Empties.)

25 **Millinery Feathers.** (See Feathers.)

26 **Mimeograph Machines:**

Boxed .....

In their own cases only..... 2

27 **Miniature Railway Cars.** (See Cars.)

28 **Mirrors.** (See Glass.)

29 **Moose, Carcasses of.** (See Deer.)

30 **Moss**—Must be boxed, crated or baled.....

31 **Motorcycles.** (See Vehicles.)

32 †**Motors, Electric or Water**—Will not be accepted if not boxed or crated .....

33 **Moving Picture Films**—Accept only when packed, marked and labeled in accordance with the Interstate Commerce Commission's "Regulations for the Transportation of Explosives and other Dangerous Articles by Express".....

Moving Picture Films C. O. D. with privilege of screen examination will not be accepted.

Reel examination may be made only in express office.

34 **Mules.** (See Live Stock.)

35 **Mushroom Spawn** .....

36 †**Musical Instruments, Automatic or Other:**

Boxed or crated, in addition to their own cases.....

Not boxed or crated, but in their own cases..... 3

Will not be accepted when not so packed.

†Denotes changes other than reductions or increases.

M

Class

Musical Instruments, Automatic or Other—Continued.

1 †Drums:
Boxed or crated, both heads completely covered with wooden boards ..... 2 t 1
Will not be accepted when not so protected.

2 Harps:
Boxed 1
Will not be accepted when not boxed.

3 Hurdy Gurdies or Street Organs, minimum $3.00 each ..... 2 t 1

4 Organs and Automatic Piano Players:
Boxed 1
Not boxed, minimum $4.00 each ..... 2 t 1

5 Piano Cases—Same as Furniture N. O. S.

6 Pianos:
Boxed; minimum $10.00 each 1
Not boxed, minimum $15.00 each ..... 2 t 1
Pianos on skids protected by heavy canvas covers, thoroughly and safely strapped, minimum $15.00 each 1

7 †Toy Musical Instruments of little value 1

8 Music Plates—Charges prepaid or guaranteed, Pound rates, minimum 35 cents (unless scale charge is less) 1

9 Music, Sheet. (See Sheet Music.)

N

1 Newspaper Advertising Plates—(See Stereotype Plates.)

1 Newspaper Heads. (See Magazine Covers.)

1 Newspaper Supplements. (See Newspapers N. O. S.)

1 †Newspapers N. O. S., including Auxiliary Newspapers, Patent Insides, Newspaper Supplements containing reading matter or illustrations, parts of daily newspapers forwarded more than forty-eight hours in advance of date of issue, and Reading Matter Plates, or Plates illustrating reading matter—Charges prepaid or guaranteed. Pound rates, minimum 25 cents.... 1

1 †Newspapers other than Daily, Magazines, Periodicals and other Publications which are registered in the Post-office as second-class matter—Pound rates, minimum 10 cents for each Company carrying, but not less than 1 cent per pound, unless the charge at First-Class scale rate is less, in which case the First-Class charge will apply ..... ½ of 1
When returned to the original shippers, Pound rates, minimum 25 cents 1
Charges on Newspapers, Magazines and Similar Publications must be prepaid, except that on returned shipments the guarantee of the consignee may be accepted when forwarded through the destination agent.

Newspapers, Daily—Forwarded on day of issue, between all points where First-Class rate does not exceed $4.50 per 100 lbs:
When no wagon service is rendered either in receipt or delivery, and when special mail or newspaper trains are not used, ½ cent per pound for each Company carrying.
When wagon service is rendered, or when special mail or newspaper trains are used, 1 cent per pound for each Company carrying.
The above rates do not apply on Daily Newspapers, when shipped C. O. D., or to parts of Newspapers forwarded in advance of date of issue, except that parts of daily newspapers shipped to the same consignees as the regular issue, may, for convenience in handling, be forwarded not to exceed 48 hours in advance of the date of issue.
Where the First-class rate exceeds $4.50 per 100 lbs., charge Pound rates, minimum 25 cents. ...

†Newspapers, Daily, or Parts thereof—Returned to shippers, Pound rates, minimum charge 25 cents. 1

O

Cla

17 Opossums. (See Animals, Live.)

18 Organs. (See Musical Instruments.)

19 Oyster Empties (returned). (See Empties.)

20 Oysters, Clams or Scallops—In Shell, Glass Jars, Canned or in Bulk 2
When shipped in Bulk, estimate at 12 lbs. per gallon; shippers must mark upon each package the number of gallons contained therein.
In Glass Jars, estimate 24 pints at 45 lbs., 36 pints at 65 lbs., 48 pints at 90 lbs., and 48 half pints at 50 lbs.
The following estimated weights will apply to Oysters in metal cans with or without ice, when packed in boxes: 1/10-gallon cans, 1¼ lbs. each; pint cans, 1½ lbs. each; standard or ¾ cans, 2 lbs. each; ⅓-gallon cans, 2½ lbs. each; full quart cans, 3 lbs. each; half-gallon cans, 6 lbs. each; gallon cans, 12 lbs. each. Shippers must mark the exact number and the kind of cans on the case.
Oysters in Paper Cans without ice, charge on basis of gross weight.
Carloads—Minimum billing weight, 12,000 pounds on the following basis: When in the shell, actual weight; shucked oysters in carriers, estimate at 12 pounds per gallon; shucked oysters in baked cans without other packing, charge on the basis of actual weight of the oysters and containers.
No charge will be made for transportation of chopped ice, not exceeding 3,000 pounds in weight, packed on top or around the cans; nor, when refrigerator cars are used, will any charge be made for transportation of ice in the bunkers. The cost of all ice furnished by the Express Company must be paid by shipper or consignee.

P

21 Paintings and Pictures 1
Shipments of Oil Paintings covered with glass must not be accepted.
Must be securely crated or in wooden boxes, and marked "Paintings," "Pictures," "Oil Paintings," etc., except that Pictures, the value of which does not exceed $10.00 per package, framed or mounted, may be accepted when packed in accordance with Rule 20, and when unframed and unmounted may be accepted in pulp or fibre-board rolls.
A shipment of paintings or pictures valued at more than $550 must be accepted only upon the execution of the Uniform Special Contract.
Charge for valuation must be assessed according to Rule 13 (*b.*).
Charges on Crayon or Enlarged Portraits—C. O. D. or otherwise, must be prepaid or guaranteed.
Carloads—In wooden boxes or crated, or in shadow frames, must be loaded and packed in car by shipper, and unloaded at destination by consignee, subject to Rule 18 1

22 Pamphlets—Charges must be prepaid or guaranteed.
When shipped in accordance with Rule 1 (*j.*) 3
When not so shipped 1

23 Paper Boxes, Empty:
K. D. flat or folded flat 1
Set up, outside measurement not exceeding one inch in depth, or not exceeding 15 united inches (length, width and depth added), boxed or crated 1
Set up, outside measurement exceeding one inch in depth and exceeding 15 united inches (length, width and depth added), boxed or crated ..... 1½ t 1
Set up, not boxed or crated ..... 2½ t 1

24 Papier-Mache Figures:
Will not be accepted if not boxed or crated 1

†Denotes changes other than reductions or increases.

P	Class
Pastry. (See Cake.)	
Patent Insides. (See Newspapers N. O. S.)	
Patterns for Castings:	
Boxed or crated	
Over 25 feet in length, subject to Rule 18.	
Will not be accepted when not boxed or crated.	
Peanut Roasters (Wheeled). (See Corn Poppers.)	
Periodicals. (See Newspapers other than Daily.)	
Phonographs and other Talking Machines, Automatic or otherwise—Will not be accepted if not boxed or crated	
Piano Cases. (See Furniture N. O. S.)	
Piano Players. (See Musical Instruments.)	
Pianos. (See Musical Instruments.)	
Picture Post Cards. (See Cards, Printed.)	
Pictures. (See Paintings.)	
Pies. (See Cake.)	
Pigeons, Dead. (See Poultry, Dressed.)	
Pigeons, Live. (See Poultry, Live.)	
Plants, Dormant—Not potted, securely packed	2
Plants, Growing:	
Not in pots or tubs, placed in wooden boxes, the sides and ends of which are as high or higher than the plants, and slats nailed over the top, completely protecting the plants	2
In pots or tubs, plant and receptacle crated	1
In pots or tubs, not crated	2 ‡ 1
In pots, weight of shipment not exceeding 25 lbs., when in corrugated paper boxes, pots securely fastened to sides and bottom so that contents cannot shift	1
Will not be accepted when in pots or other receptacles completely boxed, except as provided above.	
Plates Illustrating Reading Matter. (See Newspapers N. O. S.)	
Poles. (See Vehicles; also Ladders.)	
Ponies. (See Live Stock.)	
Poppers, Corn (Wheeled). (See Corn Poppers.)	
Portraits. (See Paintings.)	
Poultry Food	2
Poultry, Pigeons and Squab, Dressed	2
When packed in ice waybill at 25 per cent. less than the gross weight, but in no case at less than the net weight as invoiced by the shipper, plus the weight of the container.	
The weight of the box, barrel or other container must be marked on the package by the shipper.	
Agents must verify the tare marked on the package by weighing periodically the empty package.	
Poultry and Pigeons, Live:	
Value must be declared by shipper, and entered on the waybill. If not declared, shipment will not be accepted.	
Uniform Live Stock Contract must be executed for shipments of Live Poultry and Pigeons, except that when shipper has declared a value of not exceeding $5.00 on each bird in the shipment, maximum $50.00 per shipment weighing 100 pounds or less, and not more than 50 cents per pound, actual weight, on each shipment weighing more than 100 pounds, it may be accepted on the Uniform Express Receipt.	

P	C
Poultry and Pigeons, Live—Continued.	
Food and utensils must be provided at the expense of the shipper.	
Instructions of shippers as to feeding and care in transit, when given in writing or plainly marked upon the container, must be complied with, and no charge will be made for feeding when the food accompanies the shipment.	
Charges will be based upon the gross weight of coop and contents at the time of shipment.	
Any coop, which with its contents exceeds 150 pounds in weight, will not be accepted.	
In slatted coops:	
When the value declared does not exceed 25 cents per pound, gross weight of poultry and coop	
When the value declared exceeds 25 cents per pound, gross weight of poultry and coop	1½
In coops where cloth is used and forms a necessary part of the coop	1
25 **Newly-hatched Chickens in Pasteboard or Wooden Boxes**	1½
26 **Poultry or Pigeons returned from Exhibitions:**	
When returned from the first place of exhibition to the original point of shipment by the Company that carried the outward shipment, the return charge will be one-half of First Class.	
When forwarded from one exhibition to another, full Classification rates must be charged.	
When returned from the final place of exhibition to the original place of shipment, First-Class rate must be charged, but not more than the Classification rate.	
Shipper must present original contract or receipt before the reduced rate named above will be applied on the returned shipment. The contract or receipt issued for such returned shipment must bear notation "Returned Shipment" and show the reduced rate applicable.	
27 **Prairie Dogs.** (See Animals, Live.)	
28 **Publications.** (See Newspapers other than Daily.)	
29 **Pyrometers.** (See X-Ray Tubes.)	
R	
30 **Rabbits.** (See Animals, Live.)	
31 **Rats.** (See Animals, Live.)	
32 **Reading Matter Plates.** (See Newspapers N. O. S.)	
33 **Rectifier Tubes.** (See X-Ray Tubes.)	
34 **Reflection Tubes.** (See X-Ray Tubes.)	
35 **Refrigerator Empties (returned).** (See Empties.)	
36 **Refrigerators.** (See Furniture.)	
37 **Remains, Cremated and Disinterred.** (See Corpses.)	
38 **Reptiles, Live.** (See Animals.)	
39 **Ribbon Blocks**	2
40 **Roasters, Peanut (Wheeled).** (See Corn Poppers.)	
41 **Roller Coaster Cars.** (See Cars.)	
42 **Roots**	
43 **Rowboats.** (See Boats.)	

‡Denotes changes other than reductions or increases.

S	Class
Samples of Merchandise	1
Not including jewelry, to be forwarded from point to point in accordance with accompanying instructions of the shipper, endorsed by Agent at shipping point, must be delivered to first consignee, must be called for at the time specified by the shipper and addressed and forwarded to the next consignee, as named in the instructions.	
As order from the shipper, endorsed by the Agent at shipping point, will govern the movement of the shipment from place to place. The order, accompanied by addressed tags or labels, must be enclosed in an envelope addressed to the Agent at the point to which the shipment is forwarded and be waybilled at a charge of 10 cents, prepaid.	
Charges on the original shipment and on each reshipment must be at the regular rate.	
Except when finally returned to shippers, charges must be prepaid, and the amount of same expensed upon or charged against the original shipping office, unless the order provided for above, endorsed by Agent at original shipping point, directs that the shipment shall be forwarded to the next destination with charges to be collected from the consignee. If consignee refuses to pay such charges they must be expensed upon or charged against the original shipping office.	
Agents at shipping points will not endorse instructions for thus forwarding from point to point until the shipper has signed a release on the Company's form, exempting the Company and its connections from all liability incurred in the performance of the special and unusual service provided for above.	
Samples to be reforwarded must not be accepted unless repacked. The Company will not advance to shipper (or the consignee) any charges on such shipments.	
Sausage Casings	2
Saws—Will not be accepted if not boxed or crated or attached to a board projecting beyond the teeth	1
Saw Teeth—Will not be accepted if not boxed	1
Scales, Computing:	
Will not be accepted if not boxed or in sample trunks.	1
Scallop Empties (returned). (See Empties.)	
Scallops. (See Oysters.)	
Scenery:	
N. O. S.	2 t 1
Boxed	1
Drop Curtains or Scenes painted on cloth, rolled up tightly and properly covered:	
Not exceeding 20 feet in length	1
Exceeding 20 feet in length	2 t 1
Over 25 feet in length, subject to Rule 18.	
Scenic Railway Cars. (See Cars.)	
School Desks. (See Furniture.)	
Scions	2
Seeds	2
Settees. (See Furniture.)	
†Sewing Machines:	
Will not be accepted if not boxed or crated	1
Shafts. (See Vehicles.)	
Sheep. (See Live Stock.)	
Sheet Music—Charges must be prepaid or guaranteed.	
When shipped in accordance with Rule 1 (*j.*)	3
When not so shipped.	1
Shells. (See Boats.)	
Shoe Racks. (See Furniture N. O. S.)	
Show Cases or Show Case Frames. (See Glass.)	

S	Class
22 **Shrimp**	2
Must be charged for on basis of gross weight, except that Shrimp shipped with ice, which is necessary for its preservation, must be charged for on the basis of 25 per cent. added to the net weight of the Shrimp, unless actual gross weight is less at time of shipment.	
23 **Shrubs and Branches of Shrubs.** (See Trees.)	
24 **Skeletons.** (See Corpses.)	
25 **Skins.** (See Furs.)	
26 **Skunks, Live.** (See Animals.)	
27 **†Slate:**	
Will not be accepted if not in wooden boxes or crates	1
28 **Sleds, Children's**	1
29 **Sleighs.** (See Vehicles.)	
30 **Sleighs, Bobs or Runners.** (See Vehicles.)	
31 **Slot Machines:**	
Boxed or crated	1
Made of iron or with iron frames, not boxed or crated	1
Not made of iron nor with iron frames, not boxed or crated	1½ t 1
Will not be accepted when with glass fronts not protected by wooden covering.	
The above classification does not apply to Automatic Musical Instruments or Talking Machines.	
32 **Snakes, Live.** (See Animals.)	
33 **Spars.** (See Ladders.)	
34 **Squab, Dressed.** (See Poultry, Dressed.)	
35 **Squirrels.** (See Animals, Live.)	
36 **Stands**—With Iron Frames, for Adding Machines, Calculating Machines and Typewriters	1
37 **†Static Machines, or Parts thereof**—Will not be accepted if not in wooden boxes or crates.	
N. O. S.	2 t 1
Static Machine Tubes	3 t 1
38 **Statuary**—Will not be accepted if not in wooden boxes or crates.	
A shipment of Statuary valued at more than $550 must be accepted only upon the execution of the Uniform Special Contract, and charge for valuation of such shipments must be assessed according to Rule 13 (*b.*).	
Bronze and other metal	1
N. O. S.:	
Value not exceeding 50 cents per pound	1
Value exceeding 50 cents per pound	2 t 1
39 **Stearine**	2
40 **Stereotype or Electrotype or Newspaper Advertising and Illustrating Plates**—Charges prepaid or guaranteed, Pound rates, minimum 35 cents (unless scale charge is less)	1
41 **Stock Food**	2
42 **Stools.** (See Furniture.)	
43 **Stoves:**	
Boxed or crated	1
Not boxed or crated	1½ t 1
44 **Street Organs.** (See Musical Instruments.)	
45 **Suction Cleaners.** (See Vacuum Cleaners.)	
46 **Suit Cases.** (See Valises.)	
47 **Sulkies.** (See Vehicles.)	

†Denotes changes other than reductions or increases.

S

Class

‡ †Surveyors' Instruments (except Tripods) and Engineering or other Scientific Instruments N. O. S., will not be accepted unless in wooden boxes or in their own cases:
In wooden boxes 1
In their own cases only ..... 3 t 1

T

‡ Tables. (See Furniture.)

‡ Talking Machines. (See Phonographs.)

‡ Tallow 2

‡ Tariffs and Classifications of Transportation Charges, including Supplements thereto:
When shipped in accordance with Rule 1 (j) 3
When not so shipped 1

‡ Telephone Instruments:
Boxed 1
Not boxed ..... 1½ t 1

‡ Terrapin 1

‡ Thermographs. (See Barometers.)

‡ Thermometers. (See Barometers.)

‡ Toboggan Cars. (See Cars.)

‡ Tops, Vehicle. (See Vehicles.)

‡ Torpedo Shells, Empty:
Boxed or crated 1
Not boxed or crated ..... 1½ t 1

‡ Toy Musical Instruments. (See Musical Instruments.)

‡ Toys 1

‡ ♦ Trees, Christmas, charges prepaid or guaranteed.
Bound, but not baled ..... 2 t 1
Boxed, crated or strawed and baled 1

‡ Trees N. O. S., and Shrubs and branches thereof:
Charges must be prepaid or guaranteed.
Boxed, crated or strawed and baled 2

‡ Trees and Shrubs, Growing:
In pots or tubs, plant and receptacle crated 1
In pots or tubs, not crated ..... 2 t 1

‡ Tricycles. (See Vehicles.)

‡ Trunks 1
Keys must not be attached to trunks or other locked packages, but, when accompanying such shipments, may be forwarded separately in a sealed envelope without additional charge.

‡ Tubers 2

‡ Turnstiles ..... 1½ t 1

‡ Turtles:
In boxes, barrels or crates 2
Not in boxes, barrels or crates 1

‡ Typewriter Stands. (See Stands.)

‡ Typewriting Machines:
Boxed 1
In their own cases only ..... 2 t 1

V

Class

25 Vacuum or Suction Cleaners:
Boxed or crated .....
Not so packed 2

26 Valises, Suit Cases or other Hand Baggage .....
When evidently not worth charges, must be prepaid or guaranteed; shippers' name and address must be entered on tags attached.
Keys must not be attached to Valises, Suit Cases or other Hand Baggage, but, when accompanying such shipments, may be forwarded separately in a sealed envelope without additional charge.

27 Vegetable Empties (returned). (See Empties.)

28 Vegetables, Green, N. O. S.:
Including green vegetables in baskets covered with corrugated or fibre board not less than .060 of an inch thick and having a resistance of not less than 65 pounds to the square inch, Mullen Test, secured by gluing or pasting to the basket ends .....
Green, in gauze, cloth or paper-covered baskets, subject to Rule 1 (i) .....
Except that Lettuce in baskets, capacity not exceeding one-half bushel, lined throughout with heavy brown paper and covered with the same material, the cover extending at least half way over the sides and ends, will be charged Second-Class rates.
When without cover, will not be accepted.

Vehicles:

29 "K. D." means that all removable parts, such as Wheels, Poles, Shafts, Thills, Tops and Lamps are detached.

30 When sent to manufacturers or dealers for repair or exchange, Vehicles or Parts of Vehicles, including Automobile and Bicycle Tires, must be accompanied by name and address of shipper and be prepaid.

31 Subject to Rule 18: The charge on a shipment of Vehicles weighing less than 10,000 pounds from one consignor to one consignee on one receipt shall not exceed the charge for 10,000 pounds at the First-Class rate. When such shipment exceeds 10,000 pounds, charge for the actual weight at the First-Class rate.

32 When Vehicles are shipped in a special car as a carload, the shipper will be permitted to add to or unload from such car at intermediate points at which facilities for such loading and unloading are provided and where the train stops or service will permit. In such a case charge the full carload rate from original point of shipment to destination, and in addition thereto for each Vehicle added or unloaded in transit charge the Classification rate between the points carried.

33 When the local charge to the point of loading or unloading, added to the local charge from that point to destination, makes a lower through charge than provided above, the combined local charges will apply. The charge provided above for adding to or unloading from carload shipments must be covered by a separate waybill, and the words "Loading Charge" or "Unloading Charge" (whichever it is), must appear on the waybill, preceding the amount charged.

34 Vehicles, Self-propelling, N. O. S.:
Self-propelling Vehicles which cannot be loaded in the ordinary baggage car, and for which shipper has not secured special car, must not be accepted for offices of connecting Companies until arrangements have been made with them, through the Superintendent, for delivery at destination.
Will not be accepted when tanks contain Gasoline or Naphtha.
K. D. and boxed or crated .....
Set up, boxed or crated 1½
Not boxed or crated, minimum weight, 1,000 lbs. 2

35 Bodies shipped separately from the running gear:
Bodies of Passenger Vehicles:
Boxed or crated, minimum $3.00 each 2
Not boxed or crated, in less than carloads, will not be accepted.

†Denotes changes other than reductions or increases.

♦ Denotes reduction

V	Class
Vehicles: Self-propelling, N. O. S.—Continued.	
†**Bodies of Freight Vehicles:**	
Minimum $3.00 each	2 t 1
Bodies shipped separately from the running gear—Carloads:	
Bodies of passenger vehicles and bodies of freight vehicles, in carloads, not boxed or crated, may be accepted provided that the shipper shall load and pack the same in the car in such a way as to prevent the bodies from rubbing against the sides of the car or against each other while in transit, and provided also that the consignee shall unpack and unload the bodies at destination.	
Frames, Iron or Steel, without attachments	1
Running Gear:	
Boxed or crated	1
Not boxed or crated	2 t 1
Tops:	
Folded and boxed or crated	1
Folded, not boxed or crated	1½ t 1
Not folded, but boxed or crated	2 t 1
Will not be accepted when neither folded, nor boxed or crated.	
Parts of, N. O. S.:	
Boxed or crated	1
Not boxed or crated	2 t 1
Iron Axles, Wheels (detached), Tires and Springs	1
Motorcycles:	
Boxed or crated	1
Not boxed or crated	2 t 1
Parts of	1
Vehicles: not Self-propelling—	
Bicycles:	
Boxed or crated, handle bar and pedals removed.	1
Not boxed or crated	2 t 1
Parts of	1
Buggies, Carriages, Sleighs and Cutters, N. O. S., including Bodies thereof:	
K. D. and boxed or crated, minimum $3.00 each.	1
Not boxed or crated, minimum $3.00 each	2 t 1
Sleigh Bodies—Basketware	2 t 1
Poles and Shafts with or without singletrees attached	1
Running Gear, without box or top, and with wheels detached and enclosed in crate with the Gear	1
Tops:	
Folded and boxed or crated	1
Folded, not boxed or crated	1½ t 1
Not folded, but boxed or crated	2 t 1
Will not be accepted when neither folded, nor boxed or crated.	
Sleigh Bobs or Runners—Without Body, Shaft or Pole	1
†**Carriages, Children's:**	
K. D. and boxed or crated	1
Not boxed or crated	2 t 1
Folding Go-Carts	1
Charges on Children's or Baby Carriages, used or second-hand, must be prepaid.	
Carts and Sulkies, N. O. S.:	
K. D. and boxed or crated, minimum $1.50 each vehicle	1½ t 1
K. D., not boxed or crated, minimum $3.00 each vehicle	3 t 1
Set up and boxed or crated, minimum $3.00 each vehicle	3 t 1
Set up, not boxed or crated, minimum $3.00 each vehicle	6 t 1.

V	Class
Vehicles: not Self-propelling—Continued.	
6 **Sulkies, Pneumatic Tire:**	
K. D. and boxed or crated, minimum $1.50 each.	1½ t 1
Set up, boxed or crated, minimum $2.00 each	2 t 1
7 **Sulky Frames or Sulkies without Wheels:**	
Boxed or crated, minimum $1.50 each	1½ t 1
Not boxed or crated, minimum $3.00 each	3 t 1
8 **Tricycles and Tricycle Delivery Carts:**	
K. D. and boxed or crated	1
Not boxed or crated	2 t 1
Children's Tricycles	1
9 **Velocipedes**	1
10 **Wagons, Children's Toy**	1
11 **Wagons N. O. S.:**	
K. D. and boxed or crated	1
Not boxed or crated	2 t 1
12 **Wagons, Road or Speeding, Including Trotting Buggies**—With pneumatic tired wheels, attached or detached:	
Boxed or crated, minimum $2.00 each	2 t 1
Not boxed or crated	6 t 1
13 **Velocipedes.** (See Vehicles.)	
W	
14 **Wagons.** (See Vehicles.)	
15 **Watercress**	2
When it is necessary to use ice for preservation and it is used for that purpose only, add 25 per cent. to the net weight, unless actual gross weight is less at time of shipment.	
16 **Wax Figures**—Will not be accepted if not in wooden boxes or crates	1
A shipment of Wax Figures valued at more than $550.00 must be accepted only upon the execution of the Uniform Special Contract and charge for valuation of such shipments must be assessed according to Rule 13 (*b*).	
17 **Wind Stackers**	2 t 1
X	
18 **X-Ray Machines, or Parts thereof, N. O. S.:**	
Will not be accepted if not in wooden boxes or crates	2 t 1
19 **X-Ray Tubes or Coils, Pyrometers, Rectifier Tubes, Mercury Arcs and Reflection Tubes**	3 t 1
When shipper has executed a release, exempting the express company from liability for breakage, not due to negligence of the carrier, and has complied with the express companies' requirements as to marking and packing, as prescribed in this Classification	1
Y	
20 **Yeast of all kinds, Pound rates, minimum 35 cents, the Second-Class Scale charge to apply when less**	2
Shipments of Compressed Yeast must be charged on the basis of 20 per cent. added to net weight, whether shipped with ice or not, unless actual gross weight is less at time of shipment.	
EXCEPTION: The charge on a shipment of Yeast carried over the lines of one Company shall not exceed the charge at 15 cents for one pound or less (gross weight) plus 1 cent for each additional ounce over 16.	
21 **Yeast Empties** (returned.) (See Empties.)	

ms changes other than reductions or increases:

3. Summary of Rules

Rule 1. This rule states in a general way the application of rates. The reader should observe carefully that it provides that shipments which take higher or lower than first-class rate are taken at that factor of the scale charge if they weigh less than 100 pounds. A careful study of this rule is necessary as it is the fundamental basis for all rates.

Particular attention is called to the application of the third-class rate. The limitation of actual value to $10 is absolutely necessary in order to secure the benefit of its application.

Rule 1. (i) The reader should note that in computing the rates on food products, where the shipment consists of several packages, the actual weight of the various packages is taken as a whole; that is to say, if there were twenty shipments weighing 5 pounds each, the total weight upon which the rate would be calculated would be 100 pounds. This is quite different from the practice followed in computing the rates on shipments other than second-class matter and empties. Rule 11 (a) establishes an average of 10 pounds per package as the minimum weight, and if the total actual weight is less, charges are assessed on this minimum weight.

Rule 2. (a) The object of this requirement is to enable the agent promptly to advise the shipper in case the consignee refuses the shipment, or to enable an agent at any point where the shipment may be found astray to communicate with the shipper in case the package should be deprived of consignee's address. It is also necessary to insure proper billing, as it must be remembered that all express shipments are *billed from the marks on the package;* the express company has no duplicate receipt,

as in the case of freight shipments. The Interstate Commerce Commission has held that the marks on the package govern, irrespective of the receipt held by the shipper; therefore, the greatest care should be exercised when addressing express packages, as no redress can be secured for damages growing out of an error in marking the package, notwithstanding that the receipt may show proper consignee and destination.

(b) The U. S. Supreme Court has upheld the liability clause in the express receipt (see Rule 13), and unless the shipper declares the full value he cannot recover more than the liability assumed by the receipt given. The shipper is not required by law to insure with the express company, but when he fails to do so he limits his right to hold the company for a greater amount than the receipt names, or as provided in Rule 13.

(c) & *(d)* These sections are self-explanatory. When a shipment (not C. O. D.) is made by express, the title is immediately invested in the consignee.

(e) This is in conformity with the conditions of the receipt.

Rule 2 is a complete revision of the former Rule 1, with additions to define the duties of both the shipper and the express company.

Rule 3. Formerly shippers were not permitted to route shipments, and this led to grave abuses which are now corrected.

Rule 4. This rule is self-explanatory; the reader will readily understand the reasons for and reasonableness of its provisions.

Rule 5. The transportation of explosives and inflammable articles on passenger trains is particularly dangerous, and the Interstate Commerce Commission has issued

regulations with the view of limiting as far as possible loss of life and property.

Rule 6. It has been previously stated that the chief function of an express company is the collection, care in transit, and delivery of express matter. The transportation proper is performed by the common carrier over whose route the business travels. The pick-up and delivery is performed by the equipment of the express companies, which is maintained at their expense and undoubtedly constitutes a large percentage of the operating expenses at certain terminals; at other places it is an insignificant part of the cost of doing business. At many agencies the shipper must deliver his packages to the agent at the depot and receive his incoming packages at the same place. The companies in such cases make no allowance for the non-performance of terminal service, and this feature of the express business has been severely criticized.

The railroad commission of Indiana several years ago issued an order establishing express rates in that state in which, among other changes, provision was made that an express company should make a reduction of 5 cents per package, or 5 cents per 100 pounds if the shipment weighed more than 100 pounds, for failure to establish wagon service at either terminal; where it failed to do so at both terminals, the rate was 10 cents per package or per 100 pounds less. This order was enjoined by the court, and never became effective.

It is manifestly unfair in principle for a carrier to charge the same rate between two points where it fails to give wagon service as it charges between other points when the service is rendered under substantially the same conditions, but up to the present time no regulating body has seen fit to reject this method of making rates.

As illustrating this point, it frequently happens that the rates between two points, say A and D, are the same as between two intermediate points, B and C, one of which, B, is located near A, and the other, C, is near D.

Rate, $1.00 per 100 lbs.

A——B————————C——D

At A and D wagon service is maintained, while at B and C the express patron is required to make shipments or accept delivery at the station. It stands to reason that if the rate from A to D is reasonable for the service performed, it is unreasonable for the service between B and C, for at the latter points the company is at no expense for wagon service, and the character of service rendered is much inferior to that performed at A and D.

It is reasonable to infer that if the rate between A and D is not compensatory, but that on the whole the business pays, then B and C are being taxed for the additional service given at A and D. As before stated, it is manifestly unfair to include the cost of wagon service in a rate and then refuse or fail to give that service.

The express companies by their tariffs restrict the delivery limits in many places; that is to say, they do not deliver or pick up at all points within the corporate limits of such places, but fix certain boundaries beyond which their wagon service does not extend. However, they generally provide for such service through some local delivery company or local express company, for which an additional charge is made; this charge varies with the locality. (See "Joint Directory of Collection and Delivery Limits.")

For many years it was customary for express carriers to accept shipments for such places addressed to points beyond the free-delivery zone without notifying

the shipper that the amount collected from him did not include delivery to the address given on the package, with the result that the consignee was compelled to pay additional charges. This practice caused many complaints, and the Interstate Commerce Commission found it necessary to order the express companies to publish the following information for the guidance of shippers: (1) Agencies at which wagon service is given; (2) agencies at which no wagon service is maintained; (3) agencies at which the delivery limits are restricted, specifying the free-delivery zone; and (4) the charges for delivery beyond the free-delivery zone at each point where practicable.

With this information the shipper may determine whether or not the tariff rate includes the cost of delivery at a given address.

Particular attention is called to section (c) of the rule, as it gives the consignee the option of refusing to pay the local charges and of accepting the shipment at the destination office of the express company, without any additional payment over the legal rate between shipping point and destination.

The Interstate Commerce Commission will, upon complaint, determine the reasonable free-delivery limit of express shipments at a given point, when for any reason the complainant has reason to believe that the limits fixed by the express company are unfair or discriminatory. A complaint of this character should be based upon a careful study of conditions, and, if possible, expert advice should be secured before assuming the expense of a formal proceeding. In a case of this kind it is recommended that the subject first be referred to the express officials, with a full statement of facts, and that recourse to the Interstate Commerce Commission be undertaken only as a last resort.

Rule 7. The first section of this rule requires no explanation, for it is patent that no carrier can guarantee that trains will not be delayed or that accidents will not happen.

The second paragraph requires that the consignee be given an opportunity to examine a shipment when obviously in a damaged condition, before accepting it. If the shipment is refused, the consignor must be notified immediately. This is only fair and gives the consignor ample opportunity to protect any interest he may have in the property.

Rule 8. This rule is a step in the right direction and should apply to all common carriers. The reader will at once appreciate the wisdom of it and will no doubt understand the economic necessity which led to its adoption. The necessity for compliance with Rule 2 (a) is further illustrated by this provision.

Rule 9. The adoption of this rule grew out of the many complaints that express companies were unnecessarily delaying the settlement of claims. The same rule should apply to railroads.

Rule 10. This rule needs no explanation.

Rule 11. This rule should be carefully studied and thoroughly understood. It is a radical departure from the old method of aggregating weights under which any package weighing less than 20 pounds was charged for 20 pounds unless a lower charge was made by treating it as a separate shipment.

The unfairness of the old rule was recognized by nearly every state that established express rates for the guidance of these carriers. In most states the companies

were permitted to estimate the weight at 10 pounds, but this is manifestly unfair when one or more packages are heavy and a single light package is included in the shipment. Under the rule that has heretofore obtained, the express company receiving a shipment consisting of five packages of 100 pounds each and five weighing 5 pounds each would estimate the five light packages at 100 pounds instead of 25 pounds. Section (a) should be given particular study.

Special attention is called to the difference between the method of aggregating the weights on shipments as provided in this rule and that used in aggregating the weights on shipments taking the second-class rate. [See Rule 1 (i).]

Rule 12. This is another rule that requires careful study. As in the foregoing rule it is a radical departure from previous practice, inasmuch as it gives to the shipper the right to deal direct with the agent at destination in case of an emergency, or when the destination office is served by an express company other than the one receipting for it.

Previously it was customary for the agent at the shipping point to handle the order through the regular waybilling channel, with the result that the return was frequently delayed, particularly when the shipment was returned by freight. The new rule disposes of all red tape and permits the shipper to act quickly when necessity requires it. The charge for reshipping has also been materially modified.

Rule 13. A careful study of this rule is necessary for the shipper's protection, and in this connection should be read the decisions of the Supreme Court of the United

States in which the validity of the limitation of carriers' risk has been sustained.[1]

The decision of the Supreme Court covers interstate shipments only. Some state courts have held that a common carrier cannot limit its liability and that a shipper may recover the full value of a shipment, notwithstanding this provision of the classification, which also appears in the receipt given for shipments by express. Such state decisions will now apply on business between strictly local points in those states. Other states have ruled to the contrary.

It must appear unreasonable to any fair-minded person for a shipper who obtains a rate based on a low valuation to be permitted to recover a greater amount than the value declared or the risk assumed by the express company under the rate paid.

A serious legal question might also arise between the shipper and the consignee in a case of failure to declare the full value; for illustration: Suppose A purchases goods of B to the value of $500, and orders B to ship by express. The goods weigh 100 pounds, or less, and in making the shipment B accepts the ordinary receipt, which limits the amount of recovery to $50. The goods are lost in transit, and A makes his claim against the express company, which can legally pay only $50. B, by failing to declare the actual value, has made it impossible for A to recover the full value of the merchandise, and he would undoubtedly be held liable for the difference, unless he could prove that he was instructed *not*

[1] Adams Express Co. v. Croninger, 226 U. S. 491; Wells Fargo & Co. v. Neiman-Marcus Co., 227 U. S. 469; Kansas City So. Ry. v. Carl, 227 U. S. 639; M. K. & T. Ry. v. Harriman, 227 U. S. 657.

to declare the full value.[2] A shipper has not fulfilled his obligation to a purchaser of goods sold f. o. b. shipping point unless and until he is in possession of a receipt from the carrier that represents the shipment, and a receipt for a shipment limiting the consignee to a recovery of $50 is not a proper shipping document for one valued at a greater amount.

It must be understood, however, that a shipper is not required to insure with the express company; he may do so, or he may carry a blanket policy in some insurance company and insure all excess value under such policy; he may also carry the risk for his own account, in which case he must suffer any loss over that for which the express company would be liable as provided in the express receipt, in which is incorporated section (a) of this rule.

The charge for additional value, over that assumed by the company under the receipt has been materially reduced by the new classification, and unless the volume of express business is large, insurance with the express companies is the more economical, but if a shipper is selling "delivered" and is shipping largely by express, the blanket policy is more economical; in that case, the payment of the minimum charge *(10c for each $100 or fraction thereof)* is avoided.

To illustrate this point further: 25 different shipments valued at $75 each, weighing less than 100 pounds, if insured with the express company, would cost 10c each additional for extra value, or $2.50; if insured under a blanket policy, the extra value would be aggregated and would amount to $625 ($25 on each shipment), on which

[2] The New York court has just decided a case of this character in favor of the plaintiff, who was the purchaser and consignee.

the premium would ordinarily be one-tenth of one per cent, or 62½c, a saving of $1.87½.

Too much stress cannot be laid upon the importance of becoming thoroughly familiar with the provisions of this rule.

Rule 14. In this rule are embodied all of the conditions relating to the transportation of shipments for which the express company is to collect the value before delivery to consignee. This feature of the express business is of great importance to merchants throughout the country and corresponds closely with the "order notify" shipments of the railroads with this important exception: The express company agrees to collect and remit to the shipper the value of the property, whereas the railroad merely agrees to hold "order" shipments until the bill of lading is surrendered. The shipper must employ some outside agency to collect his draft for "order" shipments, but on C. O. D. shipments his transaction is completed with the carrier. A careful study of the rule will enable the reader fully to understand this feature of express service, the charge for which will be found under the section on "Money Classification" in this treatise. The only important addition made to this rule by the Interstate Commerce Commission is in section (d), which provides for the prompt remittance of collections.

Rule 15. If a shipper desires to secure the personal receipt of the consignee for an express shipment, he may do so upon paying the fee provided for in this rule. In some court cases the shipper may be required to present proof of delivery to the consignee in order to support his claim, and this rule enables him to do so.

Rule 16. Corrugated paper and pulp boxes have come into general use, but there is a tendency on the part of shippers to use packages unsuited to the character of

the contents, and this rule is designed to limit this practice and to protect the express companies against losses growing out of the use of unsuitable containers.

Rule 17. This rule was adopted some time prior to the general express investigation, after a hearing before the Interstate Commerce Commission,[3] and it was accepted as a compromise reached by the shippers and express companies. The only change is in the last paragraph of section (i), under which containers exceeding two gallons will be accepted when properly packed.

Rule 18. Particular attention is called to section (b) of this rule, a proper understanding of which is vital in the construction of carload rates.

Rules 19 to 27. These rules are self-explanatory. A careful reading is necessary, however, particularly of Rules 25 and 26.

[3] 21 I. C. C. Rep., 199.

TEST QUESTIONS

These questions are for the student to use in testing his knowledge of the assignment. The answers are not to be sent to the University.

1. When, by whom, and between what points was the express business originated?

2. What was the character of service in the early days, and what character of traffic was handled?

3. When were express companies made subject to the jurisdiction of the Interstate Commerce Commission?

4. What is the chief service of the express companies?

5. Is the express service a transportation service? Explain.

6. Name the principal express companies doing business in the United States and the mileage operated by each.

7. What is the work of a local express company?

8. State approximately the proportion of gross revenue paid by express companies to the common carriers over whose lines they operate, and explain why the proportion is so large.

9. Name the principal officials of an express company.

10. On what official does the general direction of the express company rest?

11. If you should be unable to secure satisfactory information from an agent, whom would you address?

12. Who reports to the Vice-President in charge of traffic? To the Vice-President and General Manager? To the Vice-President and Comptroller?

13. How are the employes of express companies grouped?

14. What are the duties of agents? Messengers?

15. Where are the regulations of the Interstate Commerce Commission for the construction and filing of express tariffs and classifications to be found?

16. Describe briefly the work of the different departments of the express business.

17. Over what phase of express traffic has the Interstate Commerce Commission assumed jurisdiction?

18. State in a general way how express companies are financially related to one another.

19. Are railroads intercorporately related to the express companies, and to what extent?

20. State in a general way the different methods of payment for transportation service performed by the railways.

21. What method of payment should result in the most equitable rates charged for express service, and why?

22. What relationship between freight rates and express rates is shown in some of the contracts between railroads and express companies?

23. In the express service, who performs the terminal service? The transportation between terminals?

24. Upon what grounds do the express companies collect higher rates than are charged by freight?

25. State briefly the responsibility of the express company as a common carrier. How does this responsibility compare with that of a railroad or a steamboat company?

26. Give a list of states whose railway commissions control express rates.

27. What led up to the uniform system of accounting required by the Interstate Commerce Commission?

28. What relation is there between first-class freight rates and express rates in some of the states?

29. How far have the states gone in adopting the Interstate Commerce Commission method of making express rates?

30. When were the express companies first put under the jurisdiction of the Interstate Commerce Commission, and what changes did the law of 1910 make?

31. What are the requirements for the posting of express publications where they may be referred to by the public?

32. How does the express business today differ from what it was when first started?

33. What did the Interstate Commerce Commission find were the principal complaints against the express companies?

34. What provisions did the Interstate Commerce Commission make to remedy these conditions?

35. How does the Express Classification differ from freight classifications?

36. To what general classes of commodities does each of the three classes in the Express Classification apply?

37. Upon what conditions are rates higher than those for first class assessed?

38. Why is it important to be familiar with the rules of the Express Classification?

39. What does ½ of 1 as used in Express Classification signify? What does 1½ t 1 signify?

40. If a shipment containing commodities entitled to a second-class rate is so packed that its nature is not apparent, how must the package be marked to secure the second-class rate, and what rate will be assessed if it is not so marked?

41. Under what conditions may the weight of two or more packages of second-class matter be aggregated?

42. What is the third-class rate? How is its application limited?

43. What is meant by a pound rate? Give an example of your own to illustrate how it is applied.

44. If net weight is a necessary factor in computing charges and this weight is not given, upon what weight will the charges be computed?

45. If a package contains articles of first, second, and third classes, upon what class will charges be assessed, and why?

46. If a shipment were made on the basis of a stated valuation of $40, although it were actually worth $100, would its actual value ordinarily be recovered? Why?

47. Can a shipment be made by express to the order of John Smith, Boston, Mass.? Why?

48. Can a shipment be made by express upon condition that the original receipt is to be surrendered upon delivery?

49. Under what rule may the express companies decline shipments that they deem insecurely packed?

50. If a shipment of glass is not marked "Glass," why cannot damages be recovered?

51. If a shipment worth only $5 is offered for transportation by express and the charges would be $15, under what authority could the agent demand prepayment of express charges?

52. If you had a shipment of explosives to move by express, where would you look for the requirements as to their transportation?

53. Under the provisions of Rule 6, what information is it necessary for the shipper to have in order to make his shipments by express to the best advantage?

54. Under section (c) of this Rule what option is left to the consignee if he does not wish to pay the local charges?

55. What steps should be taken to have free-delivery limits changed if they appear to be unjust or discriminatory?

56. Why is an express agent ordinarily not warranted in guaranteeing delivery of a shipment at a specified time?

57. If a shipment is received in a damaged condition, what must be done before delivery is made to the consignee?

58. If a shipment is lost or destroyed, who is to be notified if possible?

59. If the consignee refuses a shipment, what steps is the express company required to take?

60. Under what conditions must arrival notices be sent to the consignee?

61. What steps is the express company required to take after a claim has been filed?

62. Under what circumstances may estimated weights be used? How are such estimated weights to be arrived at?

63. Under Rule 11(a), if you had four packages weighing respectively 8, 10, 12, and 15 pounds, could they be billed on the aggregate weight as one package? Explain your answer.

64. If the packages weighed, respectively 5, 6, 10, and 12 pounds, how would they have to be billed?

65. May Rule 11 be applied to two or more undelivered shipments returned to the same shipper?

66. Under what circumstances may shipments forwarded by express be returned to a shipper by mail or by parcel post?

67. Under what conditions may undelivered packages forwarded by express be returned or reshipped by freight?

68. On what valuation are express rates based, and if a valuation higher than this is given, how are charges to be assessed?

69. What is the amount of the additional charge on shipments valued at more than $50 per hundred weight, or at more than

50 cents per pound, if the shipments are in excess of 100 pounds each?

70. What kinds of commodities are not subject to this provision?

71. When charges are based on an aggregated weight, how is the valuation figured?

72. Upon what basis are charges figured on statuary valued at $550 or less, and upon the same commodity when valued at more than $550?

73. How are valuation charges assessed on live animals, live birds, or live stock?

74. Give briefly the specifications of Rule 14 as to C. O. D. shipments.

75. Under what conditions may shippers secure a receipt?

76. If you are making a shipment in corrugated cases, to what rule would you refer to find the requirements for shipping by express?

77. If, for any reason, it is necessary to have a special car to transport express shipments, what information must be furnished the express company, and to what official is the information forwarded?

78. If a special car is desired for a less-than-carload shipment, how must request be made?

79. What will be the minimum charge when it is necessary to order a special car?

80. What provision is made as to wagon service when carload commodity rates are lower than less-than-carload commodity or class rates?

81. How are switching or floating charges assessed on carload shipments which are to be delivered beyond the usual terminal for such shipments?

82. When there is a commodity rate on a particular article, which will govern, the commodity rate or the classification? Why?

83. What is meant by the term "Boxed" or "Completely Boxed," as used in the Express Classification?

84. What is meant by "Crated" as ordinarily used in the Express Classification and as used in connection with the transportation of wild animals, etc.?

85. What is the meaning of the word "Trussed"?

86. What is the difference in the meaning of the terms "Nested Solid" and "Nested" as used in the Express Classification?

87. What is the meaning of "Refrigerator," or "Refrigerator Box," as used in the Express Classification?

88. If a shipment was originally destined from New York to Chicago and it was desired to change the destination to Buffalo, N. Y., which is intermediate between New York and Chicago, upon what basis would the charges be assessed if the shipment had not yet passed Buffalo?

89. If the shipment mentioned in the previous question had passed Buffalo on its way to Chicago and it was desired to return it to Buffalo, upon what basis would charges be assessed?

90. If a carload shipment is consigned from New York to Buffalo and it is then desired to reconsign it to Chicago over a line upon which Buffalo is intermediate between New York and Chicago, upon what basis would charges be assessed?

91. If a shipment was consigned from New York to Ludington, Mich., and it is then desired to reconsign it from Ludington to Chicago, upon what basis would charges be assessed, considering that Ludington is not intermediate between New York and Chicago?

92. Upon what basis are reconsignment charges on less-than-carload shipments based?

PUBLICATION AND FILING OF TARIFFS

ONE OF A SERIES OF TREATISES IN AN INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

F. R. GARRISON
Assistant Agent
Central Freight Association

La Salle Extension University
· Chicago ·

TF 505

INTERSTATE COMMERCE
AND
RAILWAY TRAFFIC COURSE

The subjects listed below constitute the basic material of a course in Interstate Commerce and Railway Traffic. This course is especially designed to meet the constantly growing demand for efficiently trained men in railroad and industrial traffic work; to assist students to pass the examinations for government service under the Interstate Commerce Commission; and to meet the demand for men competent to direct the work of commercial organizations and traffic bureaus. With the exception of the Atlas of Railway Traffic Maps, the subjects listed below are covered in an average of approximately 200 pages each.

Atlas of Railway Traffic Maps
Traffic Glossary
Freight Classification; Some Ways of Reducing Freight Charges
Freight Rates: Western Territory; Bases for Freight Charges
Freight Rates: Official Classification Territory and Eastern Canada; Industrial Traffic Department
Freight Rates: Southern Territory
Publication and Filing of Tariffs
Freight Claims; Investigation of Freight Claims; Routing Freight Shipments; The Bill of Lading; A Primary Lesson in Transit; Demurrage
Railway Organization; Statistics of Freight Traffic; Railway Accounting
Express and Parcel Post
Ocean Traffic and Trade
Railway Regulation
The Act to Regulate Commerce and Supplemental Acts
Conference Rulings; Procedure Before the Interstate Commerce Commission; Grounds of Proof in Rate Cases
Application of Agency Tariffs
The Law of Carriers of Goods
Practical Traffic Problems

LASALLE EXTENSION UNIVERSITY

PUBLICATION AND FILING OF TARIFFS

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naming a very low rate for a brief period were issued, to "expire with shipment," thus enabling those who were advised with respect thereto, to assemble considerable quantities of freight and to move it at the opportune time.

On pages 3 and 4 are reproduced the title-page and a portion of the rate table contained in one of the early publications in effect prior to the passage of the Act. Note particularly the words "Subject to change without notice" appearing thereon. This indicates in a measure how difficult it was for the shipper to forecast the success of his operations, because knowledge as to the transportation costs was so uncertain.

In the issuance of these publications, no uniformity was followed as to size, arrangement, governing classification, or rules applicable in connection therewith. Tariffs varied from the size of this reproduction to placards large enough to be used for billboard display.

The corrective measures expressed in the Act to Regulate Commerce as originally passed were embodied in Section 6 thereof. Its salient features were as follows: (1) the printing and maintenance for public inspection of schedules showing the rates, fares, and charges for the transportation of passengers and property which any common carrier might establish and which were in force at the time of shipment; (2) the provisions to apply whether the movement be wholly within the United States or from or to adjacent foreign countries; (3) no advances in rates to be made except on ten days' notice to the public, although reductions might be made on three days' notice; (4) the non-exaction of a greater or less compensation than that provided in schedules; (5) the filing with the Commission of copies of all such schedules containing rates, fares, and charges, also copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of the Act; (6) the establishment of severe penalties

No. 1.

JOINT

Freight Tariff

— OF THE —

COLUMBUS & CINCINNATI MIDLAND R. R.,

DAYTON & IRONTON R. R.,

OHIO SOUTHERN R. R.,

— AND —

PITTSBURGH, CINCINNATI & St. LOUIS RAILWAY

— FROM —

WASHINGTON C. H., OHIO.

Taking Effect March 1, 1885.

Subject to change without notice. Governed by Middle and Western States Classification.

As each of the roads named does not receive Freight for all the points given, shippers must be careful to deliver goods at the right Depot.

R. B. BAILEY, Div. Fr't Agent P. C. & St. L. R'y...ZANESVILLE, O.
D. H. ROCKS, Gen'l Fr't Agent O. S. R. R.....SPRINGFIELD, O.
W. R. WILLIAMS, Gen'l Fr't Agent D. & I. R. R.....DAYTON, O.
C. S. WIGHT, Gen'l Fr't Agent C. & C. M. R. R.....COLUMBUS, O.

Subject to Change Without Notice.

RATES OF FREIGHT

— FROM —

WASHINGTON C. H., OHIO,

TO POINTS NAMED BELOW.

Taking Effect March 1st, 1885.

Governed by Middle and Western States Classification.

WASHINGTON C. H. TO	In Cents per Hundred Pounds.					
	1st Class	2d Class	3d Class	4th Class	5th Class	6th Class
Addison.....Ohio	41	31	21	15½	12½	10½
Adrian.....Mich	44	34	22	17	13½	11
Akron.....Ohio	41	31	21	15½	12½	10½
Albion.....Mich	45	35	22	17	14	11½
Alexandria.....Ind	35	27	21	14	11	9
Alida.....Ind	46	36	23	17	14½	11½
Allegan.....Mich	48	39	26	19	15½	12½
Alliance.....Ohio	44	34	22	17	13½	11
Alton.....Ill	50	40	30	20	15	13
Anderson.....Ind	35	27	21	14	11	9
Ann Arbor.....Mich	44	34	22	17	13½	11
Ansonia.....Ohio	30	22	17	12	10	8
Arcadia.....Ohio	36	27	20	13½	10½	9½
Arcanum.....Ohio	27	22	16	11	8	7
Argos.....Ind	46	36	23	17	14½	11½
Ashland.....Ky	38	29	22	15	12½	11½
Ashtabula.....Ohio	46	36	23	17	14½	11½
Athens.....Ohio	27	22	16	11	8	7
Attica.....Ind	44	34	22	17	13½	11
Auburn.....Ind	43	31	21	15½	13	10½
Auburn Junction...Ind	39	29	21	14½	11½	10
Avilla.....Ind	42	31	21	15½	13	10½

for non-compliance by the carrier with any of the foregoing provisions.

These provisions, however, did not have the desired effect for the reason that tariffs were issued by all lines that desired even between the same points, in which they named such participating carriers as they wished, with the result that not infrequently there were a number of rates applicable upon the same commodity between the same points in connection with the same carriers.

Since these participating lines were added with or without their consent, as best suited the desire of the issuing carrier, it was possible for them, in the event of a question as to the application of a rate, to disclaim responsibility therefor.

It became apparent that more drastic regulations were necessary relative to the publication and application of the rates of the carriers. The three most important principles involved were: (1) the fixing of the responsibility for the rate established among the lines participating in the traffic; (2) the prohibition of changes in rates, rules, or regulations without giving adequate notice to the Commission and to the public; (3) the elimination of tariffs not filed with the Commission as factors to be employed in the movement of interstate commerce and the placing of all tariffs on file and open to the inspection of the public.

So, in common with other sections of the Act which had proved unsatisfactory or inadequate, Section 6 was revised to remedy the defects which had been disclosed in its application. Its provisions were extended (1) to cover carriers, whether by railroad, pipe line, or water; (2) to prohibit any changes in rates, either advances or reductions, without thirty days' notice to the public and to the Commission except under special dispensation of the Commission; (3) to require evidence of concurrence in published rates to be filed by participating carriers:

and (4) to prohibit carriers from engaging in interstate commerce unless the requirements of this section of the Act are complied with. The substance of the original Act except as affected by the additional legislation remained the same.[1]

General Provisions of the Act to Regulate Commerce and State Regulations as to Publication of Tariffs

Some of the essential provisions of the Act to Regulate Commerce and, to some extent, the provisions of the various states may be summarized as follows:

Section 6 of the Act to Regulate Commerce as amended provides that every common carrier shall file with the Interstate Commerce Commission and keep open to the inspection of the public, schedules (which will hereinafter be referred to as "tariffs") showing all its rates, fares, and charges for the transportation of interstate commerce between stations on its own line and from its own stations to those on the lines of other common carriers with which through joint routes and rates have been established. These same requirements were also a part of the original act, which was approved February 4, 1887, and took effect April 5, 1887.

Section 6 of the Federal Act also provides that where no through joint rates have been established over a through joint route, the several carriers in the joint route shall print, file, and keep open to public inspection all rates, fares, and charges applied to the through transportation of freight; therefore, even though there be no state regulations which require the publication of rates, fares, or charges, it is nevertheless evident that the state rates, fares, or charges must be printed in tariffs to cover the transportation of interstate commerce.

[1] See amended Section 6 in the treatise on the *Act to Regulate Commerce and Supplemental Acts*, which is a part of the course in Interstate Commerce and Railway Traffic.

The Federal Act[2] also provides that the tariffs of each common carrier shall contain the classification[3] of freight in force and shall also state separately all terminal, storage, icing, and other special charges, and all privileges or facilities allowed or granted, and any rules or regulations which in any way increase or decrease the value of the transportation service rendered to the shipper or the consignee.

Regulations similar to the foregoing are prescribed in many states. These regulations require that all rates, fares, and charges available for the transportation of freight traffic between points in the state shall be published in tariffs, which must be filed with the state commissions and kept open to public inspection.

Section 6 of the Act also provides that tariffs which name rates from any point in the United States to another point in the United States and a portion of the movement is through a foreign country—*e. g.*, from Chicago, Ill., to New York City via Detroit, Mich., and Grand Trunk Railway through Canada to Buffalo, N. Y., thence to destination—shall be filed with the Commission and kept open to public inspection the same as a tariff covering a continuous movement in the United States. Failure to comply with this regulation is penalized by treating shipments, at point where they re-enter the United States, the same as if they were of foreign production and regular customs duties collected thereon. On the other hand, where this provision is complied with, no customs duties are imposed and the shipments are treated the same as if the entire movement were through the United States.

In defining the scope of the Act to Regulate Commerce, Section 1 thereof states that it applies to any common carrier or carriers engaged in the transportation of per-

[2] See Section 6 of the Act.
[3] See the treatise on *Freight Classification.*

sons or property from any point in the United States to an adjacent foreign country or from an adjacent foreign country to any point in the United States. For example, a railroad operating in Mexico, desiring to publish through rates to destinations in the United States, must prepare and arrange its tariffs in conformity with the regulations of the Interstate Commerce Commission and must file its tariffs with the Commission the same as a railroad operating wholly within the United States is obligated to do.

Tariff Circular 18-A

The Interstate Commerce Commission then formulated the first comprehensive set of rules governing the compilation and filing of freight schedules, necessitating on the carrier's part the reissuance or supplementing of practically every tariff in effect at that time.

The first complete set of rules was published in Tariff Circular No. 14-A, but successive measures were found necessary and special circumstances encountered which necessitated the formulation of additional rules from time to time. This has resulted in the reissuance of this publication on several occasions, the current issue being Tariff Circular No. 18-A, which appears in the appendix of this work and to a discussion of which the succeeding chapters will be devoted.

It has been the aim of the author to make plain the intent of the various rules of Tariff Circular No. 18-A, both for the benefit of those who may be engaged in constructing tariffs and for those who use them.

CHAPTER I

CONSTRUCTION

Printing

Rule 1 provides that tariffs are to be printed on hard-calendered paper of good quality from type of size not less than six-point full face. Reproductions by hectograph and other indirect inking-processes are prohibited for the reason that the copies become illegible after a number have been made and such illegibility often leads to uncertainty as to their contents.

Size

Requirements are also embodied in this rule as to the size of the publication, which is to be eight inches wide by eleven inches long. The object of this provision is uniformity, enabling shippers and carriers to maintain neat and attractive files and to use standard devices in filing the publications in their respective places.

Form[1]

Tariffs may be arranged in sheet form (a single sheet printed on one or both sides), in pamphlet form (a number of sheets stitched together), or in book form (a number of sheets bound together in the conventional book order).

The loose-leaf form of tariffs hereinafter described is authorized in this rule.

[1] See Chapter VIII.

Arrangement on Title-Page of a Tariff

The title-page of a tariff[2] gives one a general summary of the nature of the publication and enables one to determine date of issuance and effective date, from and to what points it applies, and upon what articles, etc. It will be found that there are quite a number of requirements called for in Rule 3 and in other parts of Tariff Circular 18-A pertinent to this feature, and to assist in following these rules, we have reproduced a specimen title-page.

Tariff Circular 18-A provides that the following information must be shown on the title-page of all tariffs in the order mentioned.

(a) I. C. C. Number

This number is to appear in bold type on the upper right-hand corner (Rule 3b).

Since its organization, the Interstate Commerce Commission has required that all tariffs subject to its jurisdiction must be filed with it. For a number of years prior to 1896, the tariffs were sent to the Interstate Commerce Commission without any designating mark or number to identify them and it was found to be a very intricate and laborious operation to file supplements with the tariffs they amended and to arrange the tariffs themselves in such a manner that they could be located when a demand was made for certain issues.

To overcome this difficulty, the Commission conceived the idea of having each carrier subject to its jurisdiction number its tariffs in arithmetical order. In January, 1896, the Commission issued an order requiring that all tariffs filed with it on and after the date of the order must bear I. C. C. numbers, each individual road's series com-

[2] See page 11.

Only these supplements to this tariff will be in effect at any time.

I. C. C. No. 2713.
(Superseding I. C. C. No. [illegible])

C. R. C. No. 141.
(Superseding C. R. C. No. 98.)

I. R. C. No. 1287.
(Superseding I. R. C. No. 967.)

Ohio No. 1869.
(Superseding R. C. O. No. [illegible])

FREIGHT TARIFF No. 421-D.
(Superseding Freight Tariff No. 421-B.)

LAKE ERIE & WESTERN RAILROAD CO.

FT. WAYNE, CINCINNATI & LOUISVILLE RAILROAD

NORTHERN OHIO RAILWAY

IN CONNECTION WITH CARRIERS NAMED ON PAGES 3, 4 AND 5.

NAMING

JOINT, LOCAL AND PROPORTIONAL RATES.

ON

BRICK, CARLOADS,

(And Articles Taking Same Rates as Specified on Page 6.)

FROM STATIONS ON THE

LAKE ERIE & WESTERN RAILROAD.

FT. WAYNE, CINCINNATI & LOUISVILLE R. R., AND NORTHERN OHIO RY.

TO POINTS IN

ILLINOIS, INDIANA, IOWA, KENTUCKY, MICHIGAN, MISSOURI, NEW YORK, OHIO, PENNSYLVANIA, WEST VIRGINIA, WISCONSIN AND CANADA.

ALSO TO

PEORIA, BLOOMINGTON, CRANDALL, ILL., AND MISSISSIPPI RIVER CROSSINGS.

(When destined beyond.)

Stamp Here
Date Received

The rates named herein are subject to withdrawal or advance at any time on giving the notice required by law, and are to be used in connection with, and governed by, except as otherwise provided herein, Official Classification R. N. Collyer's Agency I. C. C.-O. C. No. 42, Ohio-O. C. No. 42, I. R. C.-O. C. No. 42, C. R. C.-O. C. No. 42, L. E. & W. R. R. F. T. No. 2161-J, supplements thereto and subsequent issues thereof, and Exceptions to said classification as shown in E. Morris' Agency I. C. C. No. 408, I. R. C. No. D-45, R. C. O. No. 348. C. R. C. No. 342, L. E. & W. R. R. F. T. No. 2151-E, supplements thereto and subsequent issues thereof.

§—Except that portion which is under suspension as per Sup. No. 19 to I. C. C. No. 2126, R. C. O. No. 1120, Supp. Nos. 20 to I. R. C. No. 967, issued in accordance with Interstate Commerce Commission I. & S. Docket No. 414 Special Permission No. 29 of the Public Utilities Commission of Ohio.

Issued January 2, 1918

Taking Effect { On Interstate Traffic, January 15, 1918
*On Canadian Traffic, February 8, 1918
On other Traffic, January 15, 1918

"Issued in compliance with Order of the Interstate Commerce Commission dated December 16, 1914, in THE FIVE PER CENT CASE No. 2000, I. & S. Docket No. 583, and supplemental order therein dated January 4, 1916."

*Applies on Traffic from points in the United States to points in Canada.

Issued by

L. E. OLIPHANT,
Chief of Tariff Bureau,
Indianapolis, Ind.

M. R. MAXWELL,
Gen. Freight Agent,
Indianapolis, Ind.

L. L. HYDE,
Ass't Gen. Freight Agent,
Peoria, Ill.

F. A. CURRY,
Div. Freight Agent,
Indianapolis, Ind.

L. L. FELLOWS,
Commercial Agent,
Indianapolis, Ind.

G. H. McHUGH,
Commercial Agent,
Peoria, Ill.

Authority No. [illegible].
Dist. List No. [illegible].

([illegible])

mencing with the number 1. In this way the tariffs of each individual road can be filed together in the Commission's files in numerical order.

This numbering arrangement has been found very satisfactory and as a result the I. C. C. number of a tariff is the designating reference used in all legal actions and in all correspondence with the Commission.

In cases where the title-page is provided with a marginal rule, the I. C. C. number may appear above or below the rule at the discretion of the compiler. In general, however, the arrangement is much more effective by having the number outside of the rule.

(b) Cancellation Reference

Immediately below the I. C. C. number and in smaller type must be shown the I. C. C. number or numbers of any tariff or tariffs which are canceled by the new tariff (Rule 3b). It may happen, however, that the number of tariffs canceled is so large that it is impracticable to show the information on the title-page, in which event it must be shown under a proper caption, reading, for instance, "Cancellations" or "Partial Cancellations," immediately following the table of contents. Specific reference to such list, however, must be entered on the title-page immediately under the I. C. C. number of the new tariff, employing such phraseology as "For cancellation, see page 2" or "Canceling issues enumerated on page 2."

(c) Notice as to Supplements and Reissues[3]

At the upper left-hand corner of each tariff must be placed one of the following statements according to the size or character of the tariff (Rule 3h):

[3] It is advisable to place these notices above the margin rule, when one is used, thus establishing a complete separation from the Canadian and various State Commission numbers.

1. On tariffs of less than 5 pages or on loose-leaf tariffs, "No supplement to this tariff will be issued except for the purpose of canceling the tariff."

2. On tariffs from 5 to 16 pages, inclusive, "Only one supplement to this tariff will be in effect at any time."

3. On tariffs of from 17 to 111 pages, inclusive, "Only two supplements to this tariff will be in effect at any time."

4. On tariffs of over 111 pages, "Only three supplements to this tariff will be in effect at any time."

5. On tariffs naming rates via rail-and-water or all-water routes when such routes are not open for transportation during the entire year and it is the desire to take advantage of the suspension and restoration rule (Rule 12), the foregoing notation should be qualified by the following additional words: "Except as provided for in Rule .... (or item ....), page ...., of this tariff."

6. On periodical tariffs, "This tariff will be reissued on or before ....., 19...."

(d) Canadian and State Commission Numbers

The Canadian Railway Commission requires the use of consecutive numbers on tariffs applying on all traffic moving between points in the Dominion of Canada or from or to points in Canada destined to, or originating at, points in the United States. Such numbers must be prefixed with the initials "C. R. C." and placed at the upper left-hand corner under "Notice as to Supplements and Reissues" and just below the margin rule when one is used.

Many of the states require that tariffs naming rates on intrastate traffic must show on the title-page separate serial numbers for the use of the individual commissions, prefixed with such letters as they designate. The current Official Classification, for example, is filed with the fol-

lowing commissions under the numbers and letter prefixes indicated:

Board of Railway Commissioners for Canada	C.R.C.	O.C. 42
Railroad Commission of Indiana	I.R.C.	O.C. 42
Michigan Railroad Commission	M.R.C.	O.C. 42
Public Service Commission of Maryland	P.S.C.Md.	O.C. 42
Public Service Commission of Massachusetts	M.P.S.C.	O.C. 42
Public Service Commission of New York (1st District)	P.S.C.1 N.Y.	O.C. 42
Public Service Commission of New York (2nd District)	P.S.C.2 N.Y.	O.C. 42
Public Utilities Commission of Ohio	Ohio	O.C. 42
Public Service Commission of Pennsylvania	P.S.C.Pa.	O.C. 42
Interstate Commerce Commission	I.C.C.	O.C. 42

These numbers are conveniently arranged at the top of the title-page in such a manner as not to disturb the location of the I. C. C. number which is to be shown in the upper right-hand corner or the Canadian Commission number appearing in the upper left-hand corner.

Immediately under the Canadian and each of the state commission numbers, there must be shown in smaller type the cancellation references in the same manner as that required by the Interstate Commerce Commission.

A complete list of the states which, at this writing, require their numbers shown on tariffs will be found in Chapter XI.

(e) Carriers' Numbers

Since the inauguration of the federal requirements relative to tariff construction, many carriers have adopted the I. C. C. numbers of the publications as their individual numbers.

A more effective plan, and one that is generally followed, is for the carrier to assign an individual number to each publication.

There are two systems of numbering in general use by the railroads:

(1) Consecutive numbers prefixed by the titles G. F. D. (standing for "General Freight Department") Tariff or

Freight Tariff, under which numbers are assigned in arithmetical order to the tariffs as issued from time to time.

(2) Serial numbers prefixed by the titles named above. Under this system of numbering, the first issue of all tariffs is assigned numbers in arithmetical order, but when any tariff is reissued, the same number is used and a letter suffix is added; for example, Tariff No. 1 when reissued becomes Tariff No. 1-A and the next reissue of the same tariff will be No. 1-B and so on until all the letters of the alphabet have been used. Then double-letter suffixes are used, and reissue of Tariff No. 1-Z would be No. 1-AA.

The latter system is by far the most modern and popular and is being adopted by the railroads quite generally because, almost without exception, tariffs are referred to by carriers' numbers *as between themselves and their employees.* As the number is always the same, only the suffix letter changing with reissues, it becomes firmly fixed in the minds of everyone using the tariffs.

(f) Name of Issuing Carrier, Carriers, or Agents

To assist in filing the issues and to provide a ready means of identification, it is required that the name of the issuing carrier or carriers or duly accredited agent, if there be one, be shown in prominent type (Rule 3a).

In some instances, for example, a large railroad may issue rates from points on a short connecting railroad in tariffs naming similar rates from its own stations. In such instances the name of the short railroad, or railroads, should be shown with reference to the authority (*i. e.,* Power of Attorney or Concurrence) under which the tariff is issued for them (Rule 4b).

In the case of tariffs issued by a duly appointed agent, the practice varies. In some cases the name of the publishing agent is inserted; in others the names of the car-

riers for which the tariff is issued by the agent are shown, provided such list does not exceed ten carriers; in still other cases neither the name of the agent nor the names of the carriers are shown.

(g) Participating Carriers

By this term is meant those carriers which participate in the traffic either as intermediate or delivering lines. They are distinguished from the issuing carriers in that they do not originate the traffic and the rates apply to or via points on their lines but not from points thereon.

In the event that the number of participating carriers does not exceed ten, they may be shown on the title-page, following the name of the issuing carrier or carriers, but the form and number of the power of attorney or concurrence under which each carrier is made party to the tariff must be shown immediately after the name of such carriers.

When, however, the list exceeds ten, they may not be shown on the title-page, but the title-page should bear the following statement on the line below the name of the issuing carrier, carriers, or agent: "In connection with participating carriers named on page ....." An example is shown below.

THE BALTIMORE & OHIO SOUTHWESTERN R. R. CO.

In Connection with Participating Carriers Named on Pages 3 and 4 of Tariff.

(h) Character of Tariff

The next requirement is that the character or kind of tariff be indicated, that is, whether it is a local tariff (one naming rates from and to points on one line only), a joint tariff (one naming rates extending over two or more lines), or a proportional tariff (one naming rates to be used in conjunction with rates in other tariffs in determining through rates).

A further distinction must be made as to whether the rates apply on classified traffic (class rates), on articles or commodities specifically enumerated in the tariff (commodity rates), or a combination of both (class and commodity rates) (Rule 3c).

When a tariff covers a group of articles, it is customary to use a term clearly defining the group of articles, for example, livestock, grain and grain products, iron and steel articles, etc.; but articles in the group must be clearly defined and listed in the body of the tariff or reference must be made by I. C. C. number to the tariff in which description will be found.

In case a tariff contains rates on not more than ten commodities, the commodities may be named on the title-page and not repeated in the body of the tariff unless necessary in order to explain clearly the application of the rates.

It is customary, also, in connection with the issuance of tariff publications, for the carriers to indicate whether the tariff applies all rail or in conjunction with some line of boats operating on the Great Lakes (lake-and-rail tariffs) or on the ocean in connection with coastwise vessels (ocean-and-rail tariffs).

A tariff naming "import" or "export" rates should bear a statement to that effect on the title-page.

Very often in these days of large agency tariffs, it happens that a tariff may contain rates of all descriptions. One of the publications of the Trans-Continental Freight Bureau states on the title-page that it contains local, joint, export, and proportional class and commodity rates.

(i) Territorial Application

Following the description of the kind of rates, a brief statement must be given as to the territory from and to which the issue applies (Rule 3d). Many tariffs cover

such a large number of originating or destination points that it is impracticable to set forth this information with any degree of definiteness on the title-page. The specimen page[3] indicates that the tariff applies from stations on the Lake Erie & Western Railroad, Ft. Wayne, Cincinnati & Louisville Railroad, and Northern Ohio Railway to points in several states which are enumerated, both the originating stations and destination stations being specifically enumerated in alphabetical order in the body of the tariff.

(j) Governing Classification and Exceptions to the Application of Rates

Immediately following the territorial application of the tariff, reference must be made to the governing classification and the exceptions to such classification by name and I. C. C. number in the case of interstate traffic and by state commission number in the case of intrastate traffic (Rule 3e).

In tariffs naming combination rates, reference to the classifications and exceptions governing the factors both to and from the junction points must be shown.[4] Classifications or exceptions thereto may not be used in connection with any tariffs unless reference is made to such classifications or exceptions thereto in accordance with the provisions of this rule.

(k) Reference Notation

Classifications and exceptions to classifications, territorial directories, fast-freight-line billing instructions, and other descriptive issues which do not of themselves name rates but give information that is necessary in connection with tariffs which do name rates, should bear the

[3] See page 11.
[4] Combination rates are dealt with in Chapter VIII.

following notation: "This issue to be used only in connection with tariffs that specifically refer hereto." (This clause is not prescribed by I. C. C. rule but has been adopted by the carriers and their agents to complete the connection with the cross-reference required by paragraph 4 of Rule 4h.)

(l) Issuing and Effective Date

Of all the requirements with respect to the title-page, none is more rigidly enforced by the Commission than that dealing with this feature. It will be recalled that the amended Act provides that no tariff may be changed except upon statutory notice of thirty days, or, under special permission from the Commission, upon a shorter notice. Therefore, it is required in the Commission's rules that the date of issue and the date effective must be shown on each publication and, in the absence of any special permission from the Commission, the full statutory notice of thirty days must be given on all changes in rates, rules, or practices which in any way affect the charges (Rule 3f).

In addition to the required notice, the period of time elapsing between the two dates must be sufficient to allow, not only the required thirty days' notice, or notice required by order or special permission, to the Commission, but sufficient time to cover the transmission of the tariff from the issuing carrier's office to that of the Commission by United States mail.

This has entailed some hardships on carriers and on the public in cases where the issuing agencies are more distantly located from Washington. Regarding carriers in Alaska, the Commission has found it desirable to permit reductions in rates between points in Alaska upon ten days' notice to the Commission and to the public (Rule 78).

On every tariff that is issued on less than statutory notice under permission or order of the Commission, one

of the following notations must be inserted on the line below the effective date (Rule 3g):

1. "Issued under special permission or order (as the case may be) of the Interstate Commerce Commission, No. ...., of (date)."

2. "Issued by authority of Rule 56, Tariff Circular No. 18-A."

In addition to the foregoing, in case the rate which is higher than the sum of the intermediate rates is strictly a class rate, the following statement must also appear on the title-page:

"The rate (or rates) hereby reduced appears in ..... Tariff I. C. C. No. ....., item (or page) ..... and the factors, from which the new rate herein shown as equaling the sums of the intermediate rates, are found in ....[5] Tariff I. C. C. No. ...., item (or page) ....., and ..... Tariff I. C. C. No. ....., item (or page) .....

3. "Issued by authority of decision of the Interstate Commerce Commission in case No. ....."

4. Whenever a tariff or supplement to bring forward reductions in rates from tariffs or supplements which have been suspended in full by the Commission is issued on one day's notice to the Commission and the public, such tariff or supplement must bear the following clause:

"Issued by authority of Rule 9(*m*) of Interstate Commerce Commission Tariff Circular 18-A."

5. "Issued under authority of Rule 78, Interstate Commerce Commission Tariff Circular No. 18-A."

(m) Expiration Date

It may be provided that the tariff will cancel itself automatically, that is, by providing that it will expire on a certain date, at least thirty days subsequent to the effective date. When any carrier desires to give notice

[5] Here insert name of agent or railroad by whom tariff is issued.

that a tariff will expire on a certain date, the following clause must be inserted on a line below the issuing and effective date (Rule 3f): "Expires (date) unless sooner canceled, changed, or extended."

(n) Suspension of Rail-and-Water or All-Water Rates

When tariffs containing rail-and-water rates or all-water rates applicable via routes over which it is necessary to close navigation during a portion of the year do not specifically state that they expire upon a certain date with the same season of navigation, the following clause should be inserted on the title-page: "The rates named herein for rail-and-water and all-water transportation are subject to suspension at close of navigation and restoration on the opening of navigation of (here insert the name of the water carrier or carriers specified in the tariff) on notice as provided on page .... of this tariff" (Rule 12).

(*o*) *Application of Rates from and to Intermediate Points*

Frequently, production and consumption points are few, particularly in connection with specified commodities. In such cases the carriers publish rates which apply only from the points of production to the known points of consumption. Rates on pig iron, for example, are published from points at which are located blast furnaces to points where there are industries with facilities for using this commodity. It is unnecessary for a carrier to publish rates to points at which there are no facilities for using a certain commodity and to which there would never be a movement of the commodity.

It so happens, however, in the case of some commodities, such as salt, grain products, scrap iron, lumber, etc.,

that the points of consumption and originating points cannot be determined with any degree of certainty. Commodity rates, as a rule, usually apply on carload quantities. To many small villages and hamlets, the chances are against a movement of such quantities, traffic usually moving in less-than-carload lots. Consequently, the application of carload rates is confined to the larger places. However, the Interstate Commerce Commission has established a provision to take care of the possibility of carload movement to points to which rates are not published. This provision is as follows:

1. If a commodity tariff does not provide for rates from or to all intermediate points, either by naming specific rates or by the use of the long-and-short-haul clause, the title-page of such tariff must show that such rates are omitted by authority of Rule 77 of I. C. C. Tariff Circular No. 18-A and that the rates to or from any intermediate point, which will not exceed those to or from more distant points, will be established on one day's notice to the Commission and to the public. (See Rule 77a, third paragraph, for exact wording to be used.)

2. A tariff or supplement which contains rates published on one day's notice under authority of Rule 77 must bear on its title-page a notation to that effect and a statement as to where the rates which were reduced were published, by reference to the I. C. C. number and item or page number of the tariff in which the rates between more distant points were published. (See Rule 77a, fifth paragraph, for exact clause to be used.)

3. The Commission, under certain conditions, frequently grants authority to charge higher rates from or to intermediate points than apply from or to more distant points over the same line or route. Such authority in all instances is covered by formal order and reference to such order must be shown on the title-page of the tariff in the terms specified in Rule 77b.

4. If the Commission, by formal order, grants authority to the carrier to charge a higher through joint rate than the aggregate of intermediate rates (that is, higher than the sum of the intermediate rates or combination of the intermediate rates), reference to such order must be shown on the title-page in the terms set forth in Rule 77c.

(p) Name of Issuing Agent or Officer

The name of the person by whom the tariff is issued must appear upon the title-page of the publication (Rule 3i). The reason for this is obviously that communications with respect to tariffs may be addressed to the proper official.

This concludes the requirements of the Commission in so far as the title-page of a publication filed with it is concerned. In special instances other data may be included thereon, such as the names of the participating carriers and the commodities on which the rates named apply, but these features are generally incorporated in the body of the tariff, to which the following chapter will be devoted. Where exceptions are provided, mention will be made of them therein.

The title-page of any tariff which one expects to use may well be carefully studied for two reasons: (1) to ascertain that the requirements of the Interstate Commerce Commission have been complied with and (2) because such a careful study of the title-page will generally show whether the required information is to be found in the tariff.

CHAPTER II

CONSTRUCTION—Continued

Body of Tariffs

Rule 4 of Tariff Circular No. 18-A sets forth the Commission's requirements with respect to the arrangement of the contents of tariffs published in book or pamphlet form. The arrangement, being quite a logical one, enables the users of publications readily to refer to the proper section thereof for the information they are seeking. In addition to the specific requirements of this rule, certain information provided for in Rule 3 may have to be shown in the body of the tariff and reference to these items is therefore made in this chapter.

Table of Contents

As tariff publications in some cases are quite voluminous, the first requirement for tariffs of considerable size is a full and complete statement, in alphabetical order, showing the exact location, by page or item number, where information under general headings which are mentioned will be found (Rule 4a). Where, however, the issue contains such a small volume of matter that the title-page or interior arrangement clearly discloses its contents, or in supplements of less than twenty-four pages which are arranged in the same manner as the issue of which they are a part, such table of contents may be omitted (Rule 9g).

Notice of Cancellation

As provided in Rule 3b, previously discussed, when the number of issues canceled, in whole or in part, is so large as to render it impracticable to indicate them on the title-page, they may be shown on the succeeding pages immediately following the table of contents. A distinction must be made between issues canceled outright or wholly and those only partially canceled. Within recent years, owing to an effort on the part of the carriers to consolidate and condense their publications, it sometimes occurs that the rates in an existing schedule will be taken up by several other publications, each one canceling some part of the older tariff. Notation should therefore be made under the caption "Partial Cancellation" as to just what portion of the older tariff is canceled by the new publication.

The method of supplementing issues involved in partial cancellations is more fully dealt with under the chapter devoted to the preparation and issuance of supplements.

Issuing and Participating Carriers

In the case of agency tariffs, the issuing carriers, under powers of attorney, and the participating carriers, under concurrence, must be shown in separate alphabetical lists with the captions "List of Issuing Carriers" and "List of Participating Carriers," respectively. In these lists, after each road must be shown the form and number of the power of attorney or the form and number of the concurrence under which such roads are included in the tariff. In some instances joint agency tariffs are issued by two or more agents and in such cases the power of attorney or concurrence running to or issued to each issuing agent must be separately shown (Rule 17c). In

both cases cited above, it is permissible to arrange all the roads in alphabetical order, separating the power of attorney and concurring roads by using the form shown on page 27.

By using this form, the issuing carriers are easily distinguished from the participating carriers because there are no concurrence numbers shown for roads which are covered by powers of attorney, and vice versa.

Index to Commodities

The requirement of Rule 4c is the incorporation, in book or pamphlet tariffs, of a complete index to the commodities upon which rates are applied. This comes as the next section of the tariff.

Great care is required in preparing the index of commodities for tariffs, because any omission in the index may cause the commodity or rate to be overlooked entirely in the using of the tariff. When commodity rates are arranged alphabetically by commodities and reference is plainly made thereto in the table of contents, no specific index of commodities is required, except that in case rates on the same commodites are named in other tariffs, a notice must be inserted in that part of the tariff where the index of commodities is supposed to be shown, bearing the following caption: "List of commodities named herein on which rates are published in other tariffs." The list must be arranged alphabetically by commodities, showing the territory involved or the points of origin and destination, together with I. C. C. numbers of tariffs in which such rates are published. Reference to this list must be made in the table of contents (Rule 4c).

The reproduction shown on page 28 is a typical illustration of an index to commodities.[1]

[1] This reproduction was taken from Southwestern Lines' Tariff No. 15 Series.

PARTICIPATING CARRIERS.

NAMES OF CARRIERS.	Under Powers of Attorney to Eugene Morris, Agent.	Under Concurrence to Carriers for which Eugene Morris is Agent.		Under Powers of Attorney to W. H. Hosmer, Agent.
	FXI-No.	FX	No.	FXI-No.
Ahnapee & Western Ry		6	21	
②Akron, Canton & Youngstown Ry	3			
Ann Arbor R. R.	84			
Atchison, Topeka & Santa Fe Ry				39
Baltimore & Ohio R. R.	71			
Baltimore & Ohio Chicago Terminal R. R.		6	11	
Baltimore & Ohio Southwestern Ry	46			
Belt Ry of Chicago		6	18	
Bessemer & Lake Erie R. R.		6	31-A	
Buffalo & Susquehanna Ry. (H. I. Miller, Receiver)		6	A-14	
Central Indiana Ry	30			
Chesapeake & Ohio Ry	45			
Chesapeake & Ohio Ry. of Ind	64			
Chicago & Alton R. R.				27

CARRIERS PARTICIPATING IN THIS TARIFF WITH ABBREVIATIONS USED IN THE TARIFF

INITIAL CARRIERS

Abbreviations	NAME OF CARRIERS	Concurrences to Philadelphia & Reading Railway	
		FX	No.
Ban. & A.	Bangor & Aroostook Railroad	2	A-423

INTERMEDIATE AND TERMINAL CARRIERS

A. & V. R'y	Alabama & Vicksburg Railway		3	977
A. G. S. R. R.	Alabama Great Southern Railroad		3	606
A. & St. A. B. R'y	Atlanta & St. Andrews Bay Railway	A. C. L. R. R.	3	C-230
		C. of Ga. R'y	3	487
A. & W. P. R. R.	Atlanta & West Point Railroad		3	293
A. B. & A. R. R.	Atlanta, Birmingham & Atlantic Railroad (H. M. Atkinson and E. T. Lamb, Receivers)		3	631
A. C. L. R. R.	Atlantic Coast Line Railroad		3	C-230
A. S. R. R.	Augusta Southern Railroad	(So. R'y)	3	901
B. & A. R. R.	Birmingham & Atlantic Railroad	A. B. & A. R. R.	3	631
		S. A. L. R'y	3	1276
		So. R'y	3	901
B. & M. R. R.	Boston & Maine Railroad		4	86
C. & N. W. R'y	Carolina & Northwestern Railway	(So. R'y)	3	901
C. C. & O. R'y	Carolina, Clinchfield & Ohio Railway		3	292
C. C. & O. R'y of S. C.	Carolina, Clinchfield & Ohio Railway of South Carolina		3	292
C. of Ga. R'y	Central of Georgia Railway		3	487
C. N. E. R'y	Central New England Railway		4	5
C. R. R. of N. J.	Central Railroad of New Jersey		4	1
C. & W. C. R'y	Charleston & Western Carolina Railway		3	403
C. V. R. R.	Chattahoochee Valley Railroad		3	143
C. N. & L. R. R.	Columbia, Newberry & Laurens Railroad	(A. C. L. R. R.)	3	C-230
D. & H. Co.	Delaware & Hudson Company		4	6
F. O. & B. R. R.	Fitzgerald, Ocilla & Broxton Railroad (H. M. Atkinson, Receiver)	(A. B. & A. R. R.)	3	631
G. M. R'y	Gainesville, Midland Railway		3	111
Ga. R. R.	Georgia Railroad		3	730
G. & F. R'y	Georgia & Florida Railway		3	692
G. F. & A. R'y	Georgia, Florida & Alabama Railway		3	191
G. N. R'y Co.	Georgia Northern Railway Company		3	211

INDEX TO COMMODITIES.

Articles are specified in this index under their "noun" denomination, and when "nouns" are not deemed sufficiently distinctive, under their "adjective" also.

The following list enumerates only such articles as are given a specific rate. Articles not specified will take class rates.

COMMODITIES.	ITEM No. (Except as Noted)
Acid—	
Nitric	1804, 1808
Sulphuric	1454, 1804, 1808
Adams Special	3048, 3054, 4864
Agricultural Implements	1820, 1826, 1832, 4288, 4294, 4300, 4306, Pages 111 to 222, 311 to 389 and xxix
Agricultural Hand Implements	1814, 4288
Alcohol	1638, 1640, 3078, 4858
Denatured	3078, 4858
Wood	3078, 4858
All Hail	3048, 3054, 4864
Alum, Crude	4312, 4480
Alumina, Sulphate of	1838
Ammonia, Anhydrous	1844
Ammunition, Metallic	1850, 4546
Auger Stems	3390, 3396
Angles, Iron or Steel	1552, 4780
Apples—	
Dried	2522, 2528, 2534,

COMMODITIES.	ITEM No. (Except as Noted)
Babbitt Metal, Scrap	3000, 3006, 4828
Backs, Chair, Wood	1534
Backs, Sink	5056
Bagging	Page xxix
Burlap	4324
Brown Cotton	2384
Clayed Cotton	1898, 1934, 4824
Cotton	4324
For Baling Cotton	1904, 1910, 1913, 1916, 1922, 4318, Pages 371 to 389
Gunny	4324
Jute	4324
Old	2976, 3000, 3006, 3012, 4828, 4822, Pages 106, 274 to 279
Bags—	
Burlap	1934, 4324
Cement	1928
Cement Plaster	1928
Clayed Cotton	1898, 1934, 1940, 4324
Cotton	1934, 1946, 1952,

COMMODITIES.	ITEM No. (Except as Noted)
Baskets	4204, 5182
Coal	5110
Market	4204, 5182
Splint	4204, 5182
Stave	4204, 5182
Stove	5110
Willow	4204, 5182
Batting, Cotton	2384
Beakers, Glass	2658
Beams—	
Brake	5062
Iron	1552, 2910, 4780
Scale	5062
Steel	1552, 2910, 4780
Beans—	
Dried	2540, 5140
Green	5140
Bearings, Bolster	5062
Beds—	
Brass	4606, 4612
Iron	1528, 1534, 2884, 4606, 4612, 4618
Spring	1534, 4606, 4612
Steel	1528, 1534

The use of general or ambiguous terms is prohibited for the reason that such terms are susceptible to varying constructions and entail some doubt as to the articles or commodities they embrace. Consequently, the term "packing-house products" should not be employed unless it refers to, or shows in connection therewith, the list of all such articles as are embraced in that term. The same would hold good with respect to agricultural implements, petroleum products, naval stores, or any other collective term (Rule 6a).

Index of Stations

The next requirement is an alphabetical index of the stations from and to which rates are named (Rule 4d). Some tariffs, on account of their character, do not require an index of stations. If a tariff names rates on one commodity or a number of commodities from a number of points which all take the same rate and if the destinations

themselves are arranged alphabetically or are shown alphabetically by states and the states arranged alphabetically, no index of points of origin or destination is required. In such instances the table of contents must contain specific reference to the pages on which the alphabetical arrangement of stations will be found, and if such stations are arranged by states, each state must be shown in the table of contents, together with the page or pages on which stations located therein appear (Rule 4d, third paragraph).

Other conditions are set forth by the Commission under which it is unnecessary to include an index of stations. Carriers have learned by experience, however, that the only tariffs without an index of stations which prove satisfactory to those using them are those in which the rates are named opposite an alphabetical arrangement of points of origin or destination.

Indexes of stations must be carefully prepared and exhaustively checked, because rates to stations omitted from such indexes may be overlooked in the use of the tariff.

In quite a number of instances, rate-making associations have prepared what are designated as "territorial directories." These directories take in various parts of the country and group the stations located therein into relative groups, the issue showing the group to which the point is assigned. It is possible, when such an issue is employed, to refer to it for an index of the stations from or to which the rates may be applied, as the case may be.

Explanation of Reference Marks and Abbreviations

Many tariffs contain certain statements or modifying clauses which are used throughout the issue and, at the same time, are of such size that if reproduced in full each

time, the number of pages in the tariff would be unduly increased and perhaps the tariff itself would become more complicated. In such instances it is justifiable to employ the use of reference marks as permitted by the Commission's rule. A special provision relating to a single rate must, however, appear on the same page with such rate (Rule 4e).

All reference marks and technical abbreviations which are used in a tariff must be fully explained under the above caption. Typical examples are shown below.

EXPLANATION OF REFERENCE MARKS

* No Agent. Freight must be prepaid.
b Freight must be prepaid when via Seaboard Air Line Railway.
† Freight must be prepaid, except on carload shipments in connection with Alabama Great Southern Railroad when consigned to Alabama Rolling Mill Company or Republic Iron and Steel Company.
‡ Freight must be prepaid when via Seaboard Air Line Railway, except shipments consigned to Pioneer Mining and Manufacturing Company or Republic Iron and Steel Company.
§ Not applicable via Southern Railway.
Ⓡ Denotes reduction.

EXPLANATION OF TECHNICAL ABBREVIATIONS

Co. In connection with Points—County.
Co. In connection with Firms, Railroads or Railways—Company.
No. Number.
Mt. Mount.
R. R. Railroad.
Ry. Railway.
St. Saint.

List of Exceptions to Classification

In almost all cases exceptions to the governing classification are published in one tariff and reference thereto is made on the title-page of the tariffs subject thereto (Rule 3e). There are certain tariffs, however, which are not made subject to the general exception sheet applicable in a given territory. At the same time, the issuing carrier or carriers, in the case of an agency tariff, may not wish to apply some classifica-

tion rule or specification or may wish to modify some rule by increasing or decreasing its scope. In such cases the exception must be clearly stated under the caption "List of Exceptions to Classification" (Rule 4f).

Application of Rates

Under this caption must be given, in clear and concise language, such statements as are necessary to remove all doubt as to the application of the rates and rules contained in the tariff (Rule 4g). Under this heading it is customary to show, in tariffs naming rates to points east of the western termini of eastern trunk lines, a list of the billing instructions, the bases for rates, or the so-called "guide-books," of the various fast freight lines, in which are named the points which take the same rates as New York, Boston, and other eastern basing points. Exceptions to the application of rates or rules should likewise appear under the above caption. Here should also be shown any rules which may be necessary in order to comply with the long-and-short-haul provision of Section 4 of the Act, a discussion of which, from the point of view of the tariff compiler, is given in Chapter VII.

Rules and Regulations

Under this caption must be shown all rules, regulations, or conditions, other than those in the governing classification and exceptions thereto, which in any way affect the rates named in the tariffs by increasing or decreasing the value of the service rendered thereunder to the shipper or consignee. Each rule must appear under explanatory title, which title is to be shown in dark type.

The foregoing does not include rules and regulations dealing with special privileges or services or charges,

such as switching, icing, car service, storage, etc., which are published in special tariffs, but reference must be made to the tariffs containing such rules and regulations by I. C. C. number (Rule 4h, fourth paragraph) or by inserting the following general clause, which is understood to be satisfactory to the Commission although not actually provided for in Tariff Circular No. 18-A.

TERMINAL AND TRANSIT FACILITIES, CHARGES, AND PRIVILEGES[3]

The rates named herein apply from and to the tracks, stations, or other receiving and delivering points on this company's lines, or on the lines of other carriers parties to this tariff, or to or from sidings connected with lines parties to this tariff where the particular traffic is usually received or delivered, subject, however, to such regulations and charges, if any, for switching, terminal service, storage, elevation, refrigeration, car demurrage, track storage, drayage, diversion, reconsignment, holding in transit, and all other charges or regulations at points of origin, destination, or en route which may in any wise change, affect, or determine any part or the aggregate of such rates, as well as any privileges or facilities granted or allowed, as are, or shall be published in tariffs issued by this company or by any of the carriers parties to this tariff and filed with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York, including car service charges applicable to the points in Canada, as shown in Canadian Car Service Rules, I. C. C. No. 2 (issued by J. E. Duval, Agent), and supplements thereto and reissues thereof.

The rates named herein will also apply from or to loading or delivering tracks and sidings, or other receiving and delivering points, on the lines of connecting carriers not parties to this tariff as published in tariffs issued by this company or by any of the carriers parties to this tariff and filed with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York.

[3] Reproduced from I. C. C. N. Y. C. No. 47.

Conjunctive Issues

It is permissible for a carrier or its agent to incorporate in a separate publication the rules and regulations which are to govern its traffic in general and automatically to make these separate publications part of other publications in connection with which they are to be used, by stating that the issue "is governed by rules and regulations shown in ..... I. C. C. No. ....." This is in fact the procedure employed in so far as the various classifications are concerned. These classifications contain many rules governing the acceptance and delivery of freight traffic, together with various minimum-weight and excess-carload rules, rules as to the transportation of large bulky freight and freight requiring two or more cars for its transportation, etc. The reproduction of these rules in each publication would be required were it not for the fact that it is possible to make the classification a part of such tariffs as state that they are governed thereby (Rule 4h, fourth paragraph).

Rate Tables

Next to be shown are the actual rates, which may be stated in dollars and cents per 100 pounds, per barrel or package, per ton, or per car (Rule 4i). However, the tendency of the times is to name rates subject to weight only, that is, per 100 pounds, per gross ton (2,240 pounds), or per net ton (2,000 pounds), as the case requires, for the reason that the transportation charge is primarily based on the cost of moving a certain amount of weight. By stating rates per car, etc., the charge is separated, to quite an extent, from the actual weight transported. Stating the proposition in another way, if rates are named per barrel, per package, or per car, the weight is oftentimes much greater than was taken into

consideration when the rate was being determined upon.

There are many forms in which the actual rates in the tariffs may be arranged and a discussion of the various forms will be found in Chapter VIII.

Routing Instructions

The last fixed subject to be covered in a tariff is the routes via which the rates named therein are to be applied (Rule 4j). The Commission has left it to the option of the carriers whether this information shall be included or not.

When routing instructions are shown, the rates may not be applied except in connection with the routes designated. It is usual in indicating this information to assign numbers to the various routes after deciding, by a careful analysis of the points of origin and destination involved as well as the rates themselves, what routes shall be used. It often happens that, even though a road may have arrangements for dividing through joint rates between certain points in connection with a given route, the earnings based on such divisional arrangement may be so low that the initial road may conclude not to permit the handling of traffic via such route. Again, in case a tariff applies on a commodity and only a few destinations are covered because there seems to be no possibility of movement to other destinations, it is sometimes advisable to omit circuitous routes. This prevents requests for the same rate to some more distant point on a circuitous route just because it is intermediate to some destination, when the new point properly belongs in a higher rate territory.

It will be found upon an inspection of the tariffs, however, that comparatively few of them attempt to restrict routing. In such cases, in the absence of specific routing, the Interstate Commerce Commission has ruled that the

rate must be applied by, and in connection with, any and all lines which are parties to the tariff. This, of course, leads to the unreasonable demand for the application of rates to intermediate points on circuitous routes, which was previously mentioned. Consequently, the practice of showing routing instructions is rapidly gaining favor and it seems probable that a large majority of tariffs will eventually contain this information because of the many controversies which have arisen between the carriers and shippers and consignees that might have been avoided had routing instructions been incorporated in the publications.

CHAPTER III

ISSUANCE OF SUPPLEMENTS

After the issuance of a tariff, it is frequently necessary to make some change in the rules or rates as incorporated therein. These changes are known as "amendments" and are published in "supplements" (Rule 9a).

Title-Page

The title-page of a supplement to a tariff must show the same information as the title-page of the tariff which it amends, except that the notation required at the upper left-hand corner of the title-page of tariffs with reference to the issuance or number of supplements is omitted.

Arrangement

The body of the supplement must conform to that of the tariff of which it is a part, setting forth in the following order such changes as it is desired to make under these headings:

1. Index. (Required only in supplements of five pages and more.)
2. Table of contents. (Required only in supplements of more than twenty-three pages.)
4. Points of origin.
5. Points of destination.
6. Explanation of reference marks and abbreviations.
7. Exceptions to classification.
8. Application of rates.
9. Rules and regulations.

Supplement No. 8 contains all changes from the original tariff that are effective on the date hereof.

SUPPLEMENT No. 8 TO
P. & R. Ry. Order I. C. C.-G. No. 86
Canada Supplement No. 7.

Philadelphia & Reading Railway Company

IN CONNECTION WITH

PARTICIPATING CARRIERS NAMED ON PAGE 2 OF TARIFF AS AMENDED

ALL RAIL

Joint Commodity Tariff

—ON—

POTATOES, Carloads

MINIMUM CARLOAD WEIGHTS

From May 16th to October 14th, inclusive, of each year, minimum carload weight on all cars will be 30,000 pounds.

From October 15th of one year to May 15th, inclusive, of next year, minimum carload weight will be 36,000 pounds, except that when loaded in Eastman Heater Cars No. 50,000 to 50,499, inclusive, the minimum carload weight will be 30,000 pounds.

—FROM POINTS ON—

Bangor & Aroostook Railroad

(See List on page 3 herein.)

—TO—

SOUTHERN POINTS

As shown on pages 4 and 6 of tariff as amended

—VIA—

SOUTHERN STATES DESPATCH

(Via Hagerstown Junction, Md.)

(See Item No. 1-A, page 3.)

This Supplement contains rates that are higher for shorter distances than for longer distances over the same route; such departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Fourth Section Orders as indicated in individual items herein.

Except as otherwise provided herein, rates are governed by the ratings, rules and regulations of the Southern Classification No. 40, I. C. C. No. 19, W. R. Powe, Agent, supplements thereto and reissues thereof.

ISSUED FEBRUARY 20, 1915

EFFECTIVE APRIL 1, 1915
(Except as noted in individual items)

BENJ. R. BOGGS,
Assistant General Freight Agent
Philadelphia, Pa.

Issued by
R. L. RUSSELL,
General Freight Agent,
Philadelphia, Pa.

(P. & R. R'y Compartment Box D.)

(1300)

10. Rates.
11. Routing.

However, in supplements of less than twenty-four pages the table of contents may be omitted if the volume of supplemental matter is so small that the arrangement of the supplement clearly indicates its contents (Rule 9g).

Numbering Supplements

Supplements must be numbered in arithmetical progression, commencing with No. 1, and must not be given new I. C. C. numbers (Rule 9c). For example, if a tariff is numbered I. C. C. 1960, the first supplement would be designated as "Supplement No. 1 to I. C. C. 1960." The next supplement would be No. 2 and so on, observing, of course, the number of effective supplements that the tariff is permitted to have.

Cancellation Reference

Immediately below the supplement number must be shown the number or numbers of supplements which are superseded or canceled by the new supplement, if any (Rule 9c). For example, it will be recalled that a tariff of from five to sixteen pages may have one effective supplement. Consequently, if the first supplement is issued and it becomes necessary to make some further change in the issue, the information embodied in Supplement No. 1 must be carried forward or picked up in Supplement No. 2 and Supplement No. 2 must state that it cancels Supplement No. 1 to the same issue. In this way there will be but one effective supplement to the publication at all times.

Effective Supplements

Immediately below the notice of supplement cancellation, a statement must be made as to what supplements contain all changes from the original tariff, expressed in

the following form (Rule 9c): "Supplements Nos. ..... and ..... contain all changes from the original tariff that are effective on the date hereof." Taking a tariff which is authorized to have two effective supplements, it might so happen that the fifth supplement, supposing the other ones to be picked up in each instance, would assume such proportions that it would be advisable, in further supplementing the tariff, to let Supplement No. 5 stand for some time. Supplement No. 6 would then be issued and should have a statement under the supplement number to the effect that Supplements Nos. 5 and 6 include all changes from the original tariff that are effective on the date of that supplement.

The requirements set forth in the three preceding paragraphs must be met in connection with Canadian and state commission numbers and carriers' numbers. In the case of intrastate traffic not subject to governmental control, the carriers sometimes employ the use of half numbers or letters in issuing supplements which are not filed with any commission and which do not appear as effective in connection with other state and commission numbers, although they do in connection with the carrier's number.

Number of Supplements in Effect

Except as indicated herein, a tariff of 5 pages and not exceeding 16 may have but one supplement in effect at any time; a tariff containing 17 pages and not more than 111 pages may have but two supplements in effect at any time; and a tariff containing more than 111 pages may not have more than three supplements in effect at any time and such third supplement may be issued only when the smaller of the two effective supplements to the tariff contains not less than 10 per cent of the number of pages in the tariff (Rule 9e, first paragraph).

It cannot be stated as an absolute rule, however, that a tariff may have only a certain number of effective supplements, since the Interstate Commerce Commission has granted relief to the carriers from the provisions of Rule 9e when supplements contain rates which are attacked as unreasonable or which are under suspension or for other causes set forth as follows:

1. When a tariff is canceled with the purpose of applying in lieu thereof the rates named in some other tariff or when, through error or omission, a later issue failed to cancel the previous issue and such previous tariff is canceled for the purpose of perfecting the records, the cancellation notice must be issued as a supplement to the tariff which it cancels, even though it be a tariff of four pages or less or even though the tariff may at the time have the full number of supplements permitted (Rule 8d).

2. In case of change of ownership or control, the carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers and shall be numbered consecutively as supplements to the tariffs (even when of less than five pages) to which they are directed (Rule 9j, Supplement No. 3).

3. When the Commission, under authority of Section 15 of the Act to Regulate Commerce as amended, suspends the operation and defers the use of a tariff or classification rate, charge, regulation, or practice, the issuing carrier or agent shall immediately file with the Commission a supplement stating that such schedule or portion of schedule is under suspension and may not be

used until further and proper notice or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect (Rule 9k). (See also Chapter IV.)

4. When the Commission vacates an order of suspension made by it under authority of Section 15 of the Act as amended, the carrier or agent who published and filed such suspended tariff or supplement shall immediately file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective. Every suspension or vacating supplement issued under authority of this rule should bear on the title-page the following notation: "Issued under authority of Rule 9 (k) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. ... of the Interstate Commerce Commission, of (date) 19..." Such supplements, either of suspension or vacation, are not to be counted against the number of supplements permitted to such tariff under Rule 9e (Rule 9k). (See also Chapter IV.)

5. A tariff remaining in effect as the result of a suspension may be further amended without regard to the Commission's rule as to the volume of supplemental matter which the effective supplement or supplements, as the case may be, based on the size of the tariff, in the aggregate may obtain. The Commission's rule prohibiting the supplementing of tariffs of less than five pages must, however, be observed. Desired changes in tariffs of less than five pages must be made by reissue.

6. Tariff indexes, hereinafter described, need not conform to the rule as to the number of effective supplements (Rule 11).

7. Supplements issued under Rule 12d, announcing the suspension and restoration of rail-and-water rates

in tariffs, will not be counted against the number of supplements permitted to such tariffs under Rule 9e.

Participating Carriers

It is unnecessary to reproduce in a supplement the participating carriers indicated in the original issue unless they have *reissued, withdrawn, or amended* a concurrence or power of attorney, in which event the supplement may read, for example, "Philadelphia & Reading Railway Company in connection with participating carriers named in tariff, except change Alabama & Vicksburg Railway, FX3-177 to read FX3-977." Eliminations from the participating carriers should be in the same form, substituting for the word "change" the word "eliminate"; likewise, additions are taken care of by the substitution of the word "add" (Rule 9b).

It happens occasionally that it is necessary for a carrier to reissue one or more or all of its concurrences. Particularly is this true when roads go into the hands of receivers, as then all existing concurrences and powers of attorney must be reissued and executed by the receiver. (Rule 9i, Supplement No. 3).

Or perhaps a carrier which is party to a tariff in the first instance finds that the traffic is unremunerative in so far as it is concerned and instructs the issuing agent or road to eliminate its representation from that particular issue. Or in another instance a carrier might decline at first to become a party to a tariff and subsequently make some arrangement whereby it could profitably engage therein and then request that it be added to the publication as a participating carrier.

For these and similar reasons it is frequently necessary to show in the supplement changes of this character or such other changes as have been made.

When such eliminations, additions, and changes are made they must be definitely indicated on the title-page of

the supplement, and to accomplish this the following form is employed: "In connection with participating carriers named on page ..... of tariff except (here show alphabetically all additions to, eliminations from, and changes in the original list that are effected by the supplement, or that have been effected by previous supplements)."

LIST OF PARTICIPATING CARRIERS

Correct:	Bloomsburg & Sullivan R. R., FX3, No. 51.
Correct:	Bush Terminal R. R., FX3, No. 423.
Correct:	Cincinnati, New Orleans & Texas Pacific Ry. Co., FX3, No. 38.
Add:	Duluth, South Shore & Atlantic Ry. Co., FX4, No. 108.
Add:	The Essex Terminal Ry. Co., FX3, No. 45.
Eliminate:	Georges Valley R. R., FX3, No. 10.
Add:	Lake Erie & Western R. R. Co., FX3, No. 17.
Correct:	Louisville & Nashville R. R. Co., FX3, No. 958.
Add:	New England Steamship Co., FX3, No. 65.
Eliminate:	New England Navigation Co., FX3, No. 75.
Correct:	Southern Ry., FX3, No. 817.
Add:	Temiskaming & Northern Ontario Ry., FX3, No. 87.
Add:	Toledo, St. Louis & Western R. R. Co., FX3, No. 39.
Correct:	Virginian Railway, FX5, No. 690.
Eliminate:	West Side Belt R. R., FX3, No. 40.

In case the number of changes is too great to make it practicable to show this information on the title-page of the tariff, it may be shown in the body of the publication, indicating the fact on the title-page of the supplement by the use of some such clause as "In connection with participating carriers named on pages ..... and ..... of tariff as amended hereby."

When no changes of any kind in the list of participating carriers are required, the fact may be indicated in the supplement by the following statement on the title-page of the issue: "In connection with participating carriers shown on pages ..... and ..... of tariff."

Again it so happens occasionally that the number of changes is so large that it is advisable to reissue the entire list. In this event the title-page of the supplement should read that the rates apply "In connection with participating carriers named herein (or in this supplement)."

Index to Supplements

A supplement of five or more pages must have an index and a supplement of more than twenty-three pages must also contain a table of contents (Rule 9g).

Statutory Notice

The provisions previously set forth in connection with tariffs relative to the giving of statutory notice in issues effecting changes in rates, hold good with reference to supplements. Likewise, the Commission, at its discretion for cause, may authorize the carriers to make the effective date on less than the required thirty days' notice.

Reference by Item Number or Page Number to Portions of Original Tariff Amended

In every case where a tariff or a previous supplement is amended by a new supplement, reference in such new supplement must be made to the particular item which is to be amended, in case item numbers are used in the issue, or to the page in the original tariff or supplement which is to be amended, in case item numbers are not used (Rule 9a). (See following examples.)

Size of Supplements

Tariffs containing 5 pages and not more than 16 pages, including title-pages and indexes, may have supplements which contain not more than 4 pages. Tariffs of 17 pages and not more than 32 pages may have supplements not exceeding 6 pages. Tariffs of 33 pages or more may have supplements aggregating 25 per cent of the number of pages in the tariff.

3 of tariff and substitute the following:

ePOINTS FROM WHICH RATES APPLY AND RATE BASES APPLICABLE

For application of Rate Bases, see below

ATIONS	Rate Basis No.	STATIONS	Rate Basis No.	STATIONS	Rate Basis No.	STATIONS	Rate Basis No.
..... Me.	7	Glenburn ..... Me.	5	Maysville ..... Me.	10	St. Luce ..... Me.	12
..... Me.	3	Goodrich ..... Me.	10	McNally ..... Me.	11	Sandy Point ..... Me.	3
..... Me.	1	Grand Isle ..... Me.	12	Medford ..... Me.	5	Sangerville ..... Me.	5
..... Me.	10	Greenville ..... Me.	5	Millinocket ..... Me.	6	Schoodic ..... Me.	6
ding ..... Me.	11	Grimes Mill ..... Me.	10	Milo ..... Me.	5	Searsport ..... Me.	3
..... Me.	5	Grindstone ..... Me.	6	ⓓMonson Junction ..... Me.	5	ⓓSheridan ..... Me.	11
..... Me.	5	Griswold ..... Me.	10	Monticello ..... Me.	9	Sherman ..... Me.	7
..... Me.	5	Guilford ..... Me.	5	New Limerick ..... Me.	7	Shirley ..... Me.	5
..... Me.	9	Hampden ..... Me.	1	New Sweden ..... Me.	11	Smyrna Mills ..... Me.	9
..... Me.	6	Hermon ..... Me.	1	Nixon ..... Me.	11	Soldier Pond ..... Me.	11
Junction ..... Me.	7	Hillman's ..... Me.	10	Norcross ..... Me.	6	South LaGrange ..... Me.	5
on ..... Me.	3	Houghtonville ..... Me.	10	North Bangor ..... Me.	1	ⓓSouth Sebec ..... Me.	3
..... Me.	10	Houlton ..... Me.	7	Notre Dame ..... Me.	12	Spaulding ..... Me.	11
..... Me.	7	Howe Brook ..... Me.	10	Oakfield (formerly Oak-		Squa Pan ..... Me.	10
..... Me.	7	Hudson ..... Me.	5	field Junction) ..... Me.	7	Stacyville ..... Me.	7
..... Me.	6	Iron Works (formerly		ⓓOgren Road Siding ..... Me.	11	State Road ..... Me.	11
..... Me.	6	Katahdin Iron Works) Me.	7	Parent ..... Me.	12	Stockholm ..... Me.	11
merly Milo		Island Falls ..... Me.	7	Patten ..... Me.	9	Stockton ..... Me.	3
) ..... Me.	5	Jemtland ..... Me.	11	Pea Cove ..... Me.	3	Van Buren ..... Me.	11
..... Me.	8	Keegan ..... Me.	12	Perham ..... Me.	11	Violette ..... Me.	12
..... Me.	10	Kidder's ..... Me.	3	ⓓPhair ..... Me.	10	Walker ..... Me.	10
..... Me.	7	La Grange ..... Me.	5	Pierre ..... Me.	4	Wallagrass ..... Me.	11
..... Me.	11	Ledges ..... Me.	4	Portage ..... Me.	11	Washburn ..... Me.	11
..... Me.	2	Lillo ..... Me.	13	Presque Isle ..... Me.	10	Weeksboro ..... Me.	10
ocket ..... Me.	8	Limestone ..... Me.	10	Prospect ..... Me.	3	Westfield ..... Me.	10
..... Me.	10	Littleton ..... Me.	9	Rand Cove ..... Me.	5	Westmanland ..... Me.	11
..... Me.	10	Ludlow ..... Me.	7	Robinson's ..... Me.	9	West Seboois ..... Me.	6
ld ..... Me.	10	Madawaska ..... Me.	12	St. Croix ..... Me.	10	Wheelock ..... Me.	4
..... Me.	11	Maple Grove ..... Me.	10	St. David ..... Me.	12	Wiley Road ..... Me.	8
Village ..... Me.	12	Mapleton ..... Me.	10	St. Francis ..... Me.	4	Winterport ..... Me.	3
..... Me.	3	Mars Hill ..... Me.	10	St. John ..... Me.	4	Winterville ..... Me.	11
..... Me.	12	Masardis ..... Me.	10				

p 6 of tariff.

eBASES FOR CONSTRUCTING RATES

Explanation of Rate Bases numbers shown in list of points from which rates apply, as enumerated above

Rates Taking umber	Add to		To Make Rates from Points Taking Group Number	Add to	
.....	Rate Basis 1 Rates	1 cent per 100 pounds.	8	Rate Basis 1 Rates	6 cents per 100 pounds.
.....	Rate Basis 1 Rates	2 cents per 100 ounds.	9	Rate Basis 1 Rates	7 cents per 100 pounds.
.....	Rate Basis 1 Rates	11 cents per 100 pounds.	10	Rate Basis 1 Rates	8 cents per 100 pounds.
.....	Rate Basis 1 Rates	3 cents per 100 pounds.	11	Rate Basis 1 Rates	9 cents per 100 pounds
.....	Rate Basis 1 Rates	4 cents per 100 pounds.	12	Rate Basis 1 Rates	10 cents per 100 pounds.
.....	Rate Basis 1 Rates	5 cents per 100 pounds.			

RULES AND REGULATIONS GOVERNING TARIFF AS AMENDED

Routing Regulations.

(Cancels Routing Regulations, page 5 of tariff)

when specified herein is that ordinarily and customarily to be used. If, from any cause arising from the exigencies or errors of carriers, property ther junction points or routes, but over the lines of carriers parties to the tariff, the through rates named herein will apply.

A—Cancels Item No. 1 of tariff.

Routing via Petersburg, Va., in connection with the Atlantic Coast Line Railroad and Seaboard Air Line Railway.

ablished in tariff as amended will not apply via Petersburg, Va., and the Atlantic Coast Line Railroad, or Petersburg, Va., and Seaboard Air Line

TABLE OF COMMODITY RATES

RATES IN CENTS PER HUNDRED POUNDS

FROM POINTS TAKING RATE BASIS No. 1. (See above.)

For basis for rates from other points of origin, see above.

TO	Rate	Amends Tariff Page No.	TO	Rate	Amends Tariff Page No.	TO	Rate
ⓐArlington ..... Ga.	51	.....	eⓐDonaldsonville ..... Ga.	48½	.....	ⓐⓐNew Decatur ..... Ala.	46½
ⓐBlakely ..... Ga.	51½	4	ⓐDouglas ..... Ga.	47½	.....	ⓐⓐNorthport ..... Ala.	ⓐ
ⓐBlue Ridge ..... Ga.	58½	.....	eⓐEatonton ..... Ga.	52½	.....	ⓐOakland City ..... Ga.	ⓑ⅔
aBoston ..... Ga.	48½	.....	eⓐElijay ..... Ga.	57½	.....	ⓐⓐPelham ..... Ga.	43½
ⓐCairo ..... Ga.	47	.....	eⓐFodie ..... Ga.	47½	.....	eⓐSenoia ..... Ga.	50½
ⓐCamilla ..... Ga.	45½	.....	ⓐ*Lakewood Station ..... Ga.	ⓒⓐ	.....	eⓐShellman (Randolph	
abCarrollton ..... Ga.	58½	.....	ⓐLenoir City ..... Tenn.	ⓒ46½		County) ..... Ga.	51½
ⓐCommerce ..... Ga.	52½	.....	eⓐMcRae ..... Ga.	43½	.....	eⓐStillmore ..... Ga.	46½
cCorneliа ..... Ga.	58½	.....	eⓐMineral Bluff ..... Ga.	58½	.....	eⓐTallapoosa ..... Ga.	51½
ⓐCuthbert ..... Ga.	50½	4	ⓐMonteruma ..... Ga.	45½	.....	eⓐWaverly Hall ..... Ga.	51½

gent. Freight must be prepaid.
mpliance with order of Interstate Commerce Commission in CaseNo. 4361, rates to Boston, Ga., shall not be higher than those contemporaneously in nnsville, Ga., for a period of two (2) years from April 25, 1913. b Reissue—Effective November 15, 1913, in Supplement No. 3.
sue—Effective June 1, 1913, in Supplement No. 1. c Reissue—Effective October 10, 1913, in Supplement No. 2.
mpliance with order of Interstate Commerce Commission No. 3836,Opinion No. 2409, the rates to Carrollton, Ga., as set forth herein, shall not be r a period of two (2) years from November 15, 1913.
ect to Note on title page; permitted by authority of Interstate Commerce Commission Fourth Section Order No. 3700, Section 9, of February 3, 1914.
y Tuscaloosa, Ala., rates. ⓓ Reissue—Effective September 1, 1914, in Supplement No. 4.
ect to Note on title page; permitted by authority of Interstate Commerce Commission Fourth Section Order No. 3700, Section 11, of February 3, ⓔ Reissue—Effective September 15, 1914, in Supplement No. 5.
sue—Effective October 1, 1914, in Supplement No. 6. In compliance with order of the Interstate Commerce Commission in Docket No. 5561, of May s to Camilla, Ga., not exceeding rates concurrently in effect to Albany, Ga., shall be maintained for a period of two (2) years from October 1, 1914. d in compliance with order of the Interstate Commerce Commission in Docket No. 5457, of June 26, 1914.
sue—Effective October 1, 1914, in Supplement No. 6. In compliance with order of the Interstate Commerce Commission in Docket No. 4345, Opinion May 12, 1914, rates to Monteruma, Ga., not exceeding rates concurrently in effect to Cordele, Ga., or Americus, Ga., shall be maintained for a pe- (2) years from October 1, 1914. e Reissue—Effective November 10, 1914, in Supplement No. 7.
ect to Note on title page; permitted by authority of Interstate Commerce Commission Fourth Section Order No. 3700, Section 9, of February 3, 1914.
y Atlanta, Ga., rates. For explanation of abbreviations, see page 4 of tariff.

It should not be overlooked that in every instance mentioned above the size of supplements includes the title-pages and indexes (Rule 9e).

Exceptions to the foregoing rule have been made in the case of periodical tariffs (Rule 9f) and in cases where supplements or tariffs have been suspended in full or in part by the Interstate Commerce Commission (Rule 9k).

Supplements to Periodical and Loose-Leaf Tariffs

Periodical tariffs,[1] that is, tariffs which bear statement on their title-page that they will be reissued at a stated period, while they must conform to the foregoing rule as to the number of supplements in effect, are not subject to the rules with reference to the size of supplements. In other words, if a tariff of thirty-two pages states on its title-page that it will be reissued at stated intervals, it may be supplemented to the amount of thirty-two pages or even more, provided that not more than two supplements are in effect at any one time (Rule 9f).

Loose-leaf tariffs[2] may not be supplemented except for the purpose of cancellation, or to give notice of closing or opening of navigation, or in case of suspension by the Interstate Commerce Commission (Rule 9e, last paragraph).

Suspension Supplements

All supplements which are issued to announce the suspension of rates or rules ordered by the Interstate Commerce Commission may be issued without regard to the number of supplements in effect or the size thereof. In other words, suspension supplements are not counted

[1] See Chapter VIII for full explanation of periodical tariffs.
[2] See Chapter VIII for full description of loose-leaf tariffs.

against the number and size of supplements which are permitted to be issued to a tariff of certain size.

Bridge Supplements

In issuing new tariffs where they have knowledge of certain contemplated changes which could not be put in such tariffs, carriers may show the item which will later be amended as a reissued item with the original effective date, in order that a supplement may be issued to the new tariff making a change therein before such new tariff has been in effect thirty days.

It frequently happens, however, that the carriers have no advance knowledge of changes which they may desire to make in a new tariff before it has been in effect thirty days from the date of issue. In such cases the Commission has granted them the privilege of making a change in an item which was brought forward in a new tariff without change by issuing a supplement to both the old tariff and the new one. Such a supplement is commonly called a "bridge supplement." For example, suppose I. C. C. No. 300, to which nine supplements had been issued, was reissued as I. C. C. No. 400. To take advantage of the foregoing rule, it would be necessary to issue a supplement, showing it to be Supplement No. 10 to I. C. C. No. 300 and Supplement No. 1 to I. C. C. No. 400. The effective date for the item which is to be changed should be thirty days from the date on which the supplement is filed with the Interstate Commerce Commission and posted at stations.

The one strong objection to the use of bridge supplements is the rule governing the size and number of supplements in effect. This rule must be strictly conformed to in the case of the old tariff, which in the example cited above was I. C. C. No. 300. For instance, if Tariff I. C. C. No. 300 consisted of thirty-two pages,

to which the carrier is permitted to have two supplements in effect at one time, and if these supplements consisted of three pages each, it would be necessary in issuing the bridge supplement to bring forward one of the two supplements in effect in its entirety. In other words, in addition to taking care of the change in the one item which is desired, it would also be necessary to bring forward all the information that was published in the supplement to I. C. C. No. 300 which was reissued, in order to comply with the Commission's rule as to the number of supplements which may be in effect at any one time (Rule 9h, second paragraph).

If Tariff I. C. C. No. 300 was a large tariff, containing, say, two or three hundred pages, it is readily apparent that it would be a very expensive proposition to issue a bridge supplement to it, amending it and I. C. C. No. 400, because it might entail the reissuance of many pages of matter in the last supplement to I. C. C. No. 300.

CHAPTER IV

MISCELLANEOUS RULES

In General

The preceding chapters have dealt more particularly with the information which Tariff Circular No. 18-A provides must be shown in tariffs and supplements, together with the order in which such information must appear under the several general heads or subdivisions. The rules laid down by the Commission go much further than this and state exactly how the items themselves are to be constructed and what may or may not be done in compiling tariffs and supplements.

It is the purpose of this chapter to deal with the more important rules of this character. As each rule is complete in itself, they have been arranged in alphabetical order, as nearly as possible, and under descriptive captions. Reference to the actual rule in Tariff Circular No. 18-A has been shown in the same manner as in previous chapters.

Adoption Notices

When a change is made in the ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or, again, when its name is changed, the carrier which is thereafter to operate such road, in case it intends to use the tariff publications and fares of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice containing a statement

as shown on page 3 of Supplement No. 3 to Tariff Circular No. 18-A, which sets forth a substitute for Rule 9i.

It should be observed that such adoption notice covers not only the tariffs which have been filed and posted, but also all powers of attorney, concurrences, or other instruments which have been filed with the Interstate Commerce Commission.

Such notices may be issued to become effective on immediate notice. They must also be issued when a receiver assumes possession and control of a carrier's line.

All concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced or superseded by new concurrences or powers of attorney issued by and in the name of the new carrier or company and such documents must, in each instance, cancel the old ones which were adopted by the adoption notice.

Supplements to tariffs which have been adopted in this manner should be issued as supplements to the I. C. C. number of the original road until such time as such tariffs are reissued under the I. C. C. number of the road to whose control the issuing line has passed.

Advances and Reductions in Rates to be Shown in Manner Clear to Public and Commission

In order that the commercial public may be fully advised as to changes in rates which are made from time to time, the Commission has provided that all advances and reductions, when made either by supplement to, or reissue of, a tariff, must be indicated by symbols and such symbols fully explained at the foot of each page (Rule 2a).

The Commission permits these changes to be shown by using different styles of type (such as bold face and

italics) for reductions and advances, but actual practice has found this to be rather unsatisfactory. It is also much more expensive to follow this plan in publishing tariffs because in the present day most tariffs are placed in type by monotype machines and such machines can use but two faces of type in the same font (that is, the same size) at one time. To use three styles of type necessitates going over the work twice, which entails considerable added expense to the issuing carrier.

Use of Ambiguous Terms

The Commission, throughout Tariff Circular No. 18-A, has been very particular to explain its position as to the use of ambiguous or uncertain terms. The following examples will explain just what is meant by this expression. (Rule 4i.)

In issuing tariffs, it is very often found advantageous to refer to a large territory, such as Southeastern Territory, or to a number of points which are grouped together and known as "common points." While these terms may be used, they must be fully explained either in the tariff itself or in some other issue and specific reference made to the other issue in connection with the terms themselves. For example, if the expression "Southeastern Territory" is used, the tariff should state "Southeastern Territory as described in ..... (here insert the name of issuing carrier or agent) I. C. C. No. .....," etc. (Rule 6).

It was also formerly customary to name rates in terms such as "grain products," etc., without specifying the actual items which went to make up the terms themselves. Under present practice, if such terms are used, they must be fully explained in the issue in which employed or reference made by I. C. C. number to the issue in which such explanation will be found.

Frequently, rates are named per ton. When this term is used the tariff must specify the kind of ton. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds" and a ton of 2,240 pounds as "gross ton," "long ton," or "ton of 2,240 pounds" (Rule 4i).

The term "cancels conflicting portions" must not be used (Rule 9c). If only a portion of a supplement or tariff is canceled, the canceling issue must state explicitly just what portion is canceled, because otherwise there would be more or less uncertainty on the part of everyone using the tariff or supplement which has been amended as to just what portions of the old tariff or supplement actually remain in effect.

The foregoing illustrations forcibly impress the fact that in compiling tariffs the greatest care must be exercised to see that every statement is clear and definite and also that each and every term is fully explained in the tariff itself or reference made by I. C. C. number to the tariff in which such explanation will be found.

Amending Tariffs in Which Items are Numbered

In amending a tariff or a supplement in which the items have been assigned numbers, the amended items must always be reprinted in full in the new supplement (Rule 9a) and the same item number used, designating the amended item; for instance, Item 1-A supersedes Item 1. If this same item is again amended in another supplement, the new supplement must show that Item 1-B supersedes Item 1-A, and so on (Rule 8f).

Cross-References from One Tariff to Another

In the publication of tariffs, it is often found advisable to refer to other tariffs for territorial descriptions, descriptions of commodities, and other information.

Under Tariff Circular No. 18-A this practice is permitted, but in all cases where such cross-reference is made, care must be taken to refer to such other issue by I. C. C. number. It therefore follows that if the tariff which is to be referred to has not been filed with the Interstate Commerce Commission, such cross-reference may not be made thereto and it will be necessary to reproduce in full in the tariff which is being constructed any rules, regulations, or other descriptive matter which has not been legally established.

Geographical Description

In certain classes of tariffs covering a large territory, rates frequently apply to all the stations in a state. In such instances it is proper to use geographical description, as "points in New York," provided all points in the state of New York are subject to the particular rate or rates. The Commission has granted relief in the use of this term in instances where rates do not apply to all points in a state, provided the excepted territory does not exceed one third of the number of points in that state. In such cases, however, it is necessary to name the points which are actually excepted from the application of the rates (Rule 4d).

Publication of Rate Multiples, Percentage Equivalents, etc.

In certain sections of the United States, particularly in Official Classification Territory, where the number of classes is but six, in order to provide a wider stretch for rates on commodities which are not properly subject to one of the six classes, bases for rates have been established on percentages of one of the classes. For instance, petroleum-oil rates in Official Classification Territory are

generally on the basis of 90 per cent of the current fifth-class rates. Throughout all territory of the United States, subject to all classifications, many ratings are established which are so-called "multiples" of the class rates. For instance, a commodity may take a rate two times first class, three times first class, or four times first class, etc.

Because of the foregoing situations, the Commission has provided, in order that all rates may be easily located, that such multiples and percentage equivalents must be published in the tariffs providing for the six classes which are included in the classification (Rule 4i).

The result of this procedure in Official Classification Territory, where there are but six classes, is actually the extension of the number of classes to as many rate groups or rate bases as may be necessary, in order to give each and every commodity its proper rating as related to other commodities. This particular feature of rate-making is fully explained in the treatise on *Freight Classification*.

Rates on Same Commodity in Different Tariffs

A local tariff on a single commodity or on a few commodities must contain all of the issuing carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff. Likewise, a joint commodity tariff must contain all the issuing carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff, via the route or routes authorized by such tariff (Rule 4c, fourth paragraph).

It will be observed that the foregoing does not state positively that all of the rates of any carrier on any one commodity must be in the same tariff, the restriction applying only to rates on such commodities between the

same points. Regardless of this feature, however, the Commission has indicated that it greatly prefers having all of the issuing carrier's rates on any one commodity in one tariff, because this practice enables anyone using such tariff quickly to determine what rates may be in effect on a certain commodity. Hence, the carriers have generally adopted the practice of showing all of their rates on any one commodity in one tariff, as this makes it easier for agents and for others who use the tariffs and it also simplifies the work in the tariff departments.

It might be well to add that in years gone by it was customary for carriers to issue innumerable tariffs on the same commodity. This resulted in their having a large number of tariffs to keep record of and it also actually resulted in additional printing expense, because a tariff covering all the rates on one commodity can be issued at a very much less cost than results if such rates are printed in a good many tariffs.

This procedure is directly along the line of simplification of tariffs, which was one of the desired results the Commission had in mind when it promulgated Tariff Circular No. 18-A.

Substituting Rates in One Tariff for Those in Another

No rule or regulation may be included in a tariff which in any way or in any terms authorizes the substitution of any rate named in the tariff for a rate found in any other tariff (Rule 4h). For example, a tariff which names through class rates from points in Central Freight Association Territory to destinations in the Northwest may not state that such rates will apply, unless the combination of intermediate locals produces a lower through rate. In some instances the Commission has departed from the enforcement of this rule. In the so-called "Intermountain cases," because of complications which could not be

immediately disposed of, authority was granted the Trans-Continental lines to include a clause which provided that where the combination of intermediate local rates produced lower through rates than the through joint rates published in Trans-Continental tariffs, such combination basis might be used. However, it is understood that this authority was only to be used until such time as the carriers could make the necessary adjustment in their tariffs.

Suspension of Tariffs or Supplements

The treatise on the *Act to Regulate Commerce and Supplemental Acts* shows that under the authority vested therein by Section 15, the Interstate Commerce Commission may suspend tariffs or supplements which name advanced rates. This authority is quite frequently asserted by that body.

Consequently, in the event that a proposed schedule, either a tariff or a supplement, establishes rates or practices which the Commission questions, either on its own initiative or because of complaints of shippers or consignees, the Commission may suspend the publication until it has had an opportunity to inquire into the reasonableness of the changes proposed.

The Commission conveys to the interested issuing carrier or agent, by formal order, a notice to the effect that it has suspended the effective date of the publication for a period of one hundred and twenty days beyond the effective date. If required, a further suspension is permitted to the extent of thirty days.

Upon receipt of an order from the Interstate Commerce Commission suspending a tariff or supplement in full, the issuing carrier must *immediately* file with the Commission a supplement stating that the schedule is under suspension and may not be used until the expiration of the suspension period. Such supplement must state that

the rates previously in effect and which were changed by the suspended publication will remain in effect during the interim. Reference to the tariff or supplement which contains rates so reinstated must be made by I. C. C. number in the suspension supplement (Rule 9k, second paragraph).

Likewise, upon receipt of an order from the Commission suspending a part of a publication, the issuing carrier must *immediately* publish and file a supplement with the Commission. Such supplement must contain a complete copy of the Commission's order of suspension, together with statements similar to those used in supplements to tariffs which are suspended in full as to the continuance of the rates formerly in effect and where such former rates are to be found (Rule 9k, third paragraph).

After the Commission has passed upon the propriety of the proposed rates or practices, it is frequently found that the changes were reasonable and should be permitted in part or in full. Consequently, after investigation has been made, the Commission announces its final order, which, if it permits the advances to go in, vacates the suspension notice and authorizes the establishment of the proposed changes. This fact is communicated to the carriers or their agent by formal order.

Supplements issued in conformity with a vacating order of the Commission must immediately be filed with the Commission, stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective (Rule 9k, fifth paragraph).

In the event that the Commission fails to vacate the order of suspension or to order a further suspension for the period allotted by law, the schedules automatically become effective on the expiration of the period of suspension set forth in the original order.

Changes in Tariffs and Supplements Which are Under Suspension

When tariffs or supplements have been suspended in their entirety by the Commission, no change may be made in such tariff or supplement during the period of suspension (Rule 9k, tenth paragraph), except that when such tariff or supplement contains any reductions, it is proper to bring forward such reductions by amending the tariff or supplement which was formerly in effect, giving one day's notice to the Interstate Commerce Commission. In case the tariff which is restored by the suspension contains less than five pages, in order to take care of the reduction made by the new tariff, it is, of course, necessary to reissue the former. Under no circumstances may a supplement be issued to the old tariff if it contains less than five pages (Rule 9m).

From the foregoing, there may be some misunderstanding in regard to taking care of ordinary changes in rates when a tariff or supplement has been suspended. However, it is not the intention of the Commission, when it suspends in full a tariff or a supplement or partially suspends items therein, to prevent the making of changes in the rates which are restored. It has distinctly stated that it is proper to make such ordinary changes as are necessary in rates which are restored by use of its power of suspension, provided such rates do not result in advances. For example, a tariff may contain a number of reissued items which may not have been changed. As to such rates, the order of the Commission is without force and they may be reduced at will upon giving statutory notice.

If, however, the desired changes result in advancing the cost of service to the public, they must be authorized by special order by the Commission before they can be published. (See Appendix C.)

Temporary Suspension of Rail-and-Water Rates

In connection with certain lines operating on the Great Lakes, navigation is not possible the year around, the period usually being from the first of April until the middle of October. The accumulation of ice and the dangers attending navigation cause a cessation of this service during the winter months.

There are, however, many tariffs in effect which name the rates of various lines in connection with these lake transportation agencies. If it were required that these issues be canceled at each successive close of navigation, a great expense would fall upon these carriers to no good end.

We have already observed in the case of tariffs which name rail-and-water rates or all-water rates, applicable via routes upon which it is necessary to discontinue navigation during a portion of the year, a clause must be inserted on the title-page stating that such rail-and-water or all-water rates are subject to suspension at the close of navigation and restoration at the opening of navigation. In addition to this requirement, it is also necessary to insert in the body of the tariff, under the general caption of rules and regulations, the clauses relative to the suspension and restoration of such rates as provided under Rule 12b of Tariff Circular No. 18-A.

It frequently happens that the rates which were effective during a previous season of navigation are reissued in a new tariff with the opening of navigation for the ensuing season.

In such instances it is not necessary to issue a supplement announcing the restoration of rates, provided the effective date of the new tariff conforms with that shown in the rule governing the restoration of rates in the old tariff. If, however, the effective date of the new tariff, as well as the effective date of the opening of navi-

gation, *is not* the same as that shown in the rule governing the restoration of rates in the old tariff, then a supplement must be issued announcing the opening of navigation on a date not prior to the effective date of the new tariff, or in such new tariff, as a part of, and immediately following, the rules governing the opening of navigation, the following clause must be shown:

"The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of ....."

If a tariff is issued which does not supersede an old tariff, in other words, if rates are established with a water line which was not formerly in operation, it is necessary to issue a supplement to this tariff when navigation opens, showing the effective dates thereof, unless the following rule is made a part of the suspension-and-restoration clause appearing in the issue: "The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of ....."

Supplements issued under Rule 12 announcing the suspension and restoration of rail-and-water or all-water rates should not contain anything except such suspension or restoration notice or notices. Only one supplement announcing suspension or restoration of rates in a tariff may be in effect at any one time. Furthermore, such supplements will not be counted against the number of supplements permitted to such tariffs, regardless of the rules governing the size and number of supplements in effect.

The rates in connection with rail-and-water routes named in a tariff under suspension may be reissued or supplemented during the period of suspension on account of the close of navigation or otherwise, effective on statutory notice. In case navigation is opened before statutory notice has elapsed, after the publication of a new tariff

or supplement to the old one, such new tariff or supplement may not take effect until the full statutory period has elapsed. Therefore, a restoration supplement must, of necessity, be issued to the old tariff under suspension, announcing that navigation will be opened on a certain date.

It should not be overlooked that the rail-and-water rates or all-water rates named in tariffs which do not contain the provisions of Rule 12a and Rule 12b may not be amended to give notice of suspension, withdrawal, or restoration of rates, rules, or regulations named therein on less than statutory notice (Rule 12f).

Cancellation of Carriers' Tariffs by Agency Tariffs

If a carrier's tariff is to be canceled in full by an agent acting under a power of attorney for such road, the cancellation may be made by the agent and no individual action is necessary on the part of the carrier (Rule 8b). When the carrier's tariff is only canceled in part, however, by the agent's tariff, the rule on page 63 as to partial cancellation must be followed by both the carrier and his agent (Rule 8a).

CHAPTER V

CANCELLATION

In the event of a change in rates, rules, or practices from those incorporated in existing publications, great care should be exercised in seeing that the subsequent publication, whether it be a new tariff or a supplement, is so framed and worded as to remove every doubt regarding the cancellation of the rates, rules, or practices formerly in effect. The Interstate Commerce Commission has ruled that where the preceding issue or rate has not been specifically canceled, the older rate continues in effect, and as applied to that traffic the subsequent publication is inoperative.

Cancellation of Tariffs

When a tariff is canceled and no other tariff is to take its place, such cancellation may be made only by a supplement to the tariff and this supplement should state explicitly what rates or basis for rates will thereafter apply and in what publications they may be found (Rule 8e).

When an old tariff is canceled by a new tariff, the cancellation notice of the old tariff must be incorporated in the new issue and must not be made by supplement (Rule 8e). If, in the event of error or omission, the later issue failed to cancel the previous issue, the older tariff may be canceled by supplement thereto, to perfect the record (Rule 8d).

The statement that "I. C. C. No. 2 supersedes I. C. C. No. 1" is always understood to mean that not only is

I. C. C. No. 1 canceled, but also all supplements to I. C. C. No. 1 as well are simultaneously canceled (Rule 8e).

Partial Cancellation

It frequently happens that a tariff cancels but a portion of another tariff or supplement to another tariff. In such a case notice of cancellation must specifically state the portion of the former tariff or supplement canceled, and such former issue amended by supplement or reissued, if necessary, to state where the rate so canceled will thereafter be found, the effective date being made the same as to both publications (Rule 8a).

The most satisfactory procedure in such instances is as follows:

First, to issue the required supplement to the tariff partially canceled, specifying clearly the portion of said tariff or supplement thereto which is to be canceled and making reference by I. C. C. number to the new tariff to which rates or data have been transferred; or if a tariff contains less than five pages or the supplementary space allotted thereto has been exhausted, by the reissue thereof, and statement made in the reissue to the effect that the omitted data will be found in the tariff to which it has been transferred, such reference to be made by I. C. C. number.

Second, the new tariff should then give reference to the supplement or reissue of the old tariff in describing the portion canceled. For example, "Cancels that portion of I. C. C. No. ..... indicated in Supplement No ..... thereto" or "Cancels that portion of I. C. C. No. .... indicated in I. C. C. No. ....." In the latter case, suppose that I. C. C. No. 2 is to contain certain rates or information formerly published in I. C. C. No. 1, a tariff of less than five pages which cannot be supplemented. To make a clear statement as to the rates or information

transferred to I. C. C. No. 2, I. C. C. No. 3 must be issued to cancel I. C. C. No. 1 and reference made to such statement in I. C. C. No. 2.

Expressed in another way, suppose that I. C. C. No. 1 contains rates from St. Louis, Mo., which are to be transferred to I. C. C. No. 2. I. C. C. No. 1, being a tariff of less than five pages, must be reissued as I. C. C. No. 3 and statement made that the St. Louis rates will be found in I. C. C. No. 2. On the other hand, I. C. C. No. 2 must contain statement that it cancels the St. Louis rates in I. C. C. No. 1 as indicated in I. C. C. No. 3.

Cancellation of Numbered Items

The individual rules, rates, routes, and other features which go to make up a tariff are referred to as items. It is customary to assign to each a number in arithmetical order, by which these features are indexed under their respective headings and by means of which they may be readily identified and referred to in correspondence and practice.

In cases where items are assigned numbers and it is desired to cancel one of such items, the supplement must show the item number used in the original tariff or supplement in arranging such a cancellation. For example, suppose that it is the intention to cancel Item No. 17; in the supplement which is to effect such cancellation, a statement must be shown that Item No. 17-A cancels No. 17, and in case the supplement which makes this cancellation is reissued in another supplement, it must still carry the cancellation item, showing that Item No. 17 is canceled by Item No. 17-A. In both instances, of course, statements must be made as to where the rates will thereafter be found or what rates will thereafter apply, using one of the clauses shown in Rule 8e (Rule 8f).

Cancellation of Rates by Omission from New Tariff

When a new tariff canceling a previous tariff does not contain all rates named in the previous tariff and it is the intention to cancel such rates, the notice of cancellation must state, in one of the following forms, where the rates will thereafter be found: "Rates in .... Tariff I. C. C. No. .... will apply," or "Class rates will apply," or "Combination rates will apply," or "No rates in effect" (R-8e); if such omissions effect advances or reductions in charges, the advances or reductions must be made known by use of proper symbols (Rule 2a).

When a tariff is reissued, any item number desired may be assigned in the new issue; that is to say, the same item numbers do not have to be perpetuated in the reissue of the publication. The formal statement appearing on the title-page of the new issue that "I. C. C. No. .... supersedes I. C. C. No. ...." means that every rate or item in, and every supplement to, the old tariff is superseded.

As applied to the commodity tariffs, the aim of the compiler is, as far as possible, to adhere to an alphabetical arrangement in tabulating the various items, for in this way various rates on the same commodity are brought together, and thus it is unnecessary for the user of the publication to refer to more than one group of commodities for rates on a specific division of that commodity.

In this connection, where the item plan is followed, the Commission requires that an amended item be brought forth in a supplement in its entirety. For example, it would not be sufficient to state that the rates on commodities enumerated in, say, Item No. 15, were advanced from 15 to 16 cents, but it would be necessary to show the articles and the application of the rates as set forth in the original issue (Rule 9a).

Cancellation of Agency Tariffs by Carrier

A carrier may not, by an individual tariff, cancel the tariff of its agent unless such agent, at the same time, issues and files a supplement to the tariff involved (Rule 8b).

Cancellation Under Concurrence

A tariff of one carrier cannot be canceled by another carrier or an agent under a concurrence running to such other carrier or agent (Rule 8c). For example, if a carrier desires to have another carrier or agent issue under a concurrence a tariff which it formerly issued itself and, for certain reasons best known to itself, it has not executed a power of attorney to such other carrier or agent, the new tariff cannot cancel the old tariff. Under such a condition, it is necessary for the carrier to cancel its own tariff by supplement thereto and make reference in said supplement to the I. C. C. number of the tariff in which the rates, etc., are thereafter to be found. The effective date of this supplement must correspond with that of the new tariff.

Condensing Supplemental Matter

The tariff-compiler is compelled to use considerable ingenuity at times in order to condense the amount of supplemental matter in the prescribed limit provided by the Commission for tariffs of various sizes. It is, of course, advisable to supplement the publications as long as it can be done and maintain the efficiency of the issue. It must be understood that the expense attending the preparation of new issues is considerable, for which the carriers receive no direct return, these publications being furnished gratis to shippers.

CHAPTER VI

CONCURRENCES AND POWERS OF ATTORNEY

Purpose

In connection with the publication of tariffs containing joint rates, Section 6 of the Act to Regulate Commerce provides as follows:

> The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

Early Attempts

In their first attempt to comply with the above requirement as to showing a list of the participating carriers in tariffs and giving evidence of concurrence therein to the Interstate Commerce Commission, the carriers printed in each tariff a list of all the carriers which participated therein, or which were supposed to participate therein, under the general caption: "The following carriers will certify to the Interstate Commerce Commission their concurrence in the rates, rules, or regulations named herein."

There were two plans to be followed by such concurring carriers:

(1) To issue, on a form similar to the one reproduced below, a specific concurrence in each tariff and supple

ment in which they were shown as participating carriers.[1]

THE .....RAILWAY COMPANY
General Freight Department,
.....189..

No.....

TO THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, D. C.:

This is to certify that the ..... Company assents to and concurs in the publication and filing of the schedule described below, and hereby makes itself a party thereto:

Title and Number } .....

(Here give exact description of the title of schedule, including number and name of series.)

Date of issue .....
Date effective .....
Issued by
(Official) .....
(Company) .....
.....Company's No.....

(Here insert title and number of certifying road, if any.)

.....
(Signature of concurring carrier.)

(2) To furnish the Interstate Commerce Commission with a statement to the effect that all tariffs issued by a certain railroad were concurred in except those tariffs in connection with which specific advice of non-concurrence was given to the Commission.

DISADVANTAGES

The Commission's attempt to check up these various specific concurrences with the tariffs covered thereby must have been an enormous undertaking. It is believed

[1] The various other forms mentioned in this chapter will be found on pages 40 to 47, inclusive, of Tariff Circular No. 18-A, which appears as the appendix of this work.

that it was found impossible to file these various concurrences in a manner which would render them available in case of necessity. In any event, the Commission discontinued checking concurrences in 1898 and indicated to the various carriers that it preferred them to follow the second plan mentioned, namely, to file a blanket concurrence, with the understanding that when any tariff was issued of which a concurring carrier did not approve, such carrier would announce non-concurrence therein.

Some carriers, it is stated, sought to evade liability under this plan of concurrence, under the plea that they never concurred in certain tariffs, although such carriers were shown to have accepted traffic and collected charges thereon in accordance with such tariffs up to, and in some cases subsequent to, the date of filing notice of non-concurrence.

This condition was, of course, very unsatisfactory; in fact, some carriers never did file a declaration that they would concur in all tariffs issued by a certain road unless specific non-concurrence therein was made and at the same time actually accepted traffic and adjusted charges under joint tariffs in which they were shown as participants.

Original Forms

Under the additional powers granted the Commission by the Act of June 29, 1906, which resulted in the publication of specific rules to govern the publication of tariffs, a definite and specific plan of concurring in tariffs was inaugurated, which plan became effective in the first place on May 1, 1907.

Three forms were decided upon by the Commission for use by carriers announcing concurrence in tariffs issued by other lines and granting other lines and agents powers of attorney to issue tariffs for them.

Form FX1

The first form, designated "FX1," was known as the "power-of-attorney form" and was patterned very much along the same lines as the present form, which is shown on page 40 of Tariff Circular No. 18-A. There are two main points of difference, one of which was that the old form could be used by one carrier to grant another carrier the power to issue tariffs for it. This feature has been entirely eliminated from the present form, because, as the Commission states, experience has demonstrated that it is simpler and better to use a concurrence than to use power of attorney in giving authority to a carrier to publish and file another carrier's rates. The other point of difference deals with granting an agent authority to secure concurrences from carriers in tariffs published by such agent. This particular feature will be considered at length in the discussion of the present form, which follows later.

Form FX2

The original second form, known as "FX2," was a specific concurrence in a particular tariff and was drafted along the same lines as the specific concurrences which were used prior to May 1, 1907.

Form FX3

The original third form, known as "FX3," differed from the present form in that it provided that the carrier giving the concurrence assented to, and was bound by, rates which might have been named thereunder "applying via its line."

This form, it will be observed, might be construed as giving the carrier in favor of which it was issued author-

ity to publish rates not only to points on the concurring road or via such road, but also from points actually located on the line of that road. As the general rule and practice has always been for a carrier to reserve to itself the naming of rates on business which it originates, it was concluded by the Interstate Commerce Commission, at the suggestion of the railroads, that the concurrence form would, of necessity, have to be changed so as not to grant the lines or carrier in favor of which it was issued authority beyond that which the issuing carrier intended to convey.

Present Forms

The present forms for the appointment of agents (powers of attorney) and for concurrences as authorized for use by Tariff Circular No. 18-A will now be discussed.

Powers of Attorney

*Form FX*1

For a number of years prior to the issuance of uniform rules to cover the publication of tariffs by the Interstate Commerce Commission, the carriers had demonstrated, to their entire satisfaction, that many rates could be published in a much more satisfactory manner and at a great saving of printing, etc., in one common issue, by an agent appointed to act for several carriers. For example, through rates have been in effect for many years from points in Central Freight Association Territory to St. Paul, Minneapolis, Duluth, Winona, and points taking the same rates. There are hundreds of points in the Northwest which take the same rates as St. Paul, Minneapolis, Duluth, and Winona and, under the usual plan every road published a tariff of its own covering rates to the territory mentioned. This entailed a reproduction

of the list of destination points which occupied many pages in each road's tariff. Hence, the roads in Central Freight Association Territory finally concluded that the reproduction of these points in each tariff was a great waste of money because, if the rates from all points in Central Freight Association Territory were published in one tariff, the list of destination points need be shown but once. After due deliberation, it was decided that an agency tariff would be published to take care of the rates under discussion.

Prior to 1907, this tariff was published by Mr. J. F. Tucker, but no formal authority was conveyed to him by the different roads to cover this action on his part. While it is not known that any trouble ever came about through this procedure, the Commission immediately concluded that the matter of issuing tariffs by an agent should be covered by some legal document which would make the action of an agent as binding upon the roads, for which such agent issued an agency tariff, as though the roads issued such tariff individually. To cover this feature, the Commission adopted Form FX1.

By carefully reading this form as shown on page 40 of Tariff Circular No. 18-A, it will be observed that the issuing carrier conveys to its agent full power and authority to do and perform all and every act and thing as fully to all intents and purposes as if the same were done and performed by the executing company, and that such company also ratifies and confirms all that said agent and attorney may lawfully do by virtue of the power of attorney and assumes full responsibility for the acts and neglects of its said attorney and agent thereunder. However, this power of attorney grants to the agent merely the authority to issue and file tariffs, classifications, exception sheets, and supplements thereto.

It should be understood that this power of attorney does not give to the agent the authority to make agree-

ments with other railroads for the executing carrier, but gives him merely authority to publish rates, etc., which rates are first arranged and decided upon by the executing carrier. It is based upon this particular feature that the Interstate Commerce Commission has unequivocally placed its stamp of approval on the congregation and publication of rates through the medium of agency tariffs.

Under the first power-of-attorney form adopted by the Commission, before an agent could use the power conveyed thereby it was necessary for him to secure, from those carriers on whose lines were located the points to which rates were named, concurrences running to each of the carriers for which he issued rates, in order that he might be certain that each of the delivering carriers would concur in the rates published by him under power of attorney for the issuing carrier. For example, let us assume that a tariff is being issued for twelve carriers and that it names rates to points on twenty-five carriers. In order to have full information as to his authority covering the publication of these rates, it would be necessary for the agent to secure from each of these twenty-five delivering carriers a copy of its concurrence running to each of the twelve issuing carriers. In other words, three hundred concurrences in all would be required to cover the operation under discussion.

As we have learned, the Commission finally concluded that it was desirable, for the benefit of all concerned, in showing participating carriers in tariffs, also to show opposite each road the FX concurrence authority under which that road was included as a delivering or intermediate line. It therefore follows that had the old form of power of attorney been continued, it would have been necessary for the issuing agent to give reference to three hundred concurrences.

The Commission did not wish to entail such an endless task on the carriers or their agents. It therefore indi-

cated that it would be proper for the carriers to have powers of attorney executed in their favor, granting to them the privilege to secure concurrences. This feature will be dwelt on particularly in the discussion of Forms FX6, FX7, and FX8.

As such a procedure was rather cumbersome, the Commission finally decided upon a plan of covering this particular feature of concurrences in the power-of-attorney form. Attention is directed to that portion of Form FX1 reading "(1) for it alone, and (2) for it jointly with other carriers."

The words "for it jointly with other carriers" were intended by the Commission to convey to the agent the authority to secure, in the name of the line issuing power of attorney, concurrences from all lines in rates which he might publish.

It is not obligatory upon the carrier executing a power-of-attorney form to grant to its agent the authority to secure concurrences, but it will be readily apparent that this procedure is the most desirable. It is only fair to state that this is the form which is now being universally used by the carriers in the appointment of agents to publish tariffs.

All powers of attorney must be printed or typewritten on hard-calendered paper, 8 by 10½ inches in size, and must be numbered in numerical order, such numbers to be shown at the upper right-hand corner of the first page (Rule 26f). It will be observed that this rule as cited does not agree exactly with the form shown on page 40 of Tariff Circular No. 18-A. However, the rule must be followed rather than the form referred to. In case a power of attorney supersedes a former one, immediately below the number of the new power of attorney should be shown a notice of the cancellation of the former one.

It should also be observed that powers of attorney must be signed by the president or other executive corporate

officer and attested by the secretary, who shall attach an imprint of the corporate seal of the road issuing such power of attorney.

It will be noted that this instrument cannot be issued by a general traffic manager, freight traffic manager, or general freight agent. In this respect the power of attorney differs from the various concurrence forms.

Powers of attorney may not be executed in favor of an association or bureau; in other words, all powers of attorney must run to an individual (Rule 18, first paragraph).

The authority conveyed by a power of attorney may be revoked by the issuing carrier only upon thirty days' official notice to the Commission (Rule 13a, second paragraph).

Concurrence Running to Agents or Carriers

Form FX2

In many instances, for various reasons, carriers are unwilling to give what might be called "blanket concurrences" to other railroads or to agents. In such cases the Commission has provided Form FX2, which may be issued to cover a tariff alone, another concurrence being required for each supplement issued to such tariff, or it may be issued in such a manner as to cover a particular tariff, supplements thereto, and all reissues thereof.

However, when this form is used, it is required that the copy for filing with the Commission must accompany the tariff covered thereby; in other words, it must be transmitted to the Interstate Commerce Commission with the tariff itself by the party issuing such tariff. When in continuing form, it can only be sent with the first issue of the tariff covered thereby.

This form of concurrence is not used to any great extent. In fact, about the only time it is used is when an issuing carrier has issued, under a blanket form of

concurrence running to it, tariffs which are not satisfactory to the concurring carrier and such issuing carrier has paid no attention to the requests of the concurring carrier that the tariff be modified to conform with its wishes. In such instances blanket concurrences (Forms FX3, FX4, or FX5) have been canceled. However, in order not to prevent the issuing carrier from exercising the privilege of publishing through joint rates, thus annoying the public by the absence of such rates, individual concurrences (Form FX2) may be given to such carrier to cover each tariff which is issued in a manner satisfactory to the concurring carrier. It is only fair to state, however, that this condition of affairs very rarely arises, because the tendency of all carriers is to issue only such through joint rates as are entirely satisfactory to each and every carrier participating therein.

It should be borne in mind that Form FX2 may be used by a carrier in concurring in a tariff published by another carrier or in a tariff published by an agent for another carrier.

Concurrences Running to Carriers Only

Form FX3

Form FX3 is used in conveying concurrence from one carrier to another carrier and is the one most generally in use today.

We have already observed that the first form of this series adopted by the Commission was general. Particular attention is therefore directed to the fact that the current form merely conveys concurrence to another line in so far as such other line may publish rates to points on or via the road executing concurrence. This concurrence form makes a positive statement that it does not cover rates from points on the line by whom issued. No deviation in the text of this form is permitted unless

it is desired to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents. This feature is very seldom taken advantage of, however, for the reason that lines issuing powers of attorney are very careful to indicate to their agents those rates which they individually publish, as well as those which the agent is permitted to publish for them. Hence, when any qualification is desired, Form FX4 must be used.

Form FX4

This form of concurrence is also used by one railroad in conveying concurrence to another railroad, but it varies from Form FX3, in the first place, in that it is subject to qualification, whereas Form FX3 may not be qualified in any way.

From the text of Form FX4, as shown on page 43 of Tariff Circular No. 18-A, it will be observed that (1) it may be made to cover different kinds of traffic; (2) it may cover rates published in both directions, that is, between certain points; (3) it may be made to apply from certain points on the issuing road to points on other carriers; (4) it may be made to cover only the movement of traffic via the line of the issuing carrier.

We have already seen that the Commission, in its present form of power of attorney, has eliminated the issuance of power of attorney by one road running to another road. Where one road desires another road to issue tariffs for it, this authority is usually conveyed by Form FX4.

Again, on some roads certain kinds of traffic are handled by different officials and tariffs covering such traffic are also published by these different officials. For example, some roads have traffic managers or general

freight agents who have charge of coal traffic. In such instances it is desirable to issue two concurrences running to such road, one for use by the traffic official who has charge of general traffic and also one for use by the traffic official who has charge of coal traffic. In such cases, as Form FX3 may not be qualified, it is necessary for the concurring carrier to issue Form FX4 to the official who has charge of general traffic, reading identically the same as an ordinary FX3 except that it would exclude coal traffic. Form FX4 would also be issued by the same road running to the issuing carrier for use by the official who has charge of the coal traffic and this concurrence would be qualified to apply only on coal traffic; that is, it would read "applying on coal traffic to points on or via" the road issuing the concurrence.

FX4 concurrences are also used universally in connection with the publication of fast freight line billing instructions or so-called "guide books" (Rule 15a). For example, one carrier can appoint an agent by power of attorney to issue its billing instructions and each of the other interested carriers may issue concurrence Form FX4 running to the carrier which has issued the power of attorney, conveying authority to publish billing instructions which shall apply in connection with rates from points on the carrier issuing such FX4 form of concurrence.

This same concurrence, however, may be granted by the execution of Forms FX2 or FX5. However, Form FX4 is the one universally used.

It should be borne in mind, in connection with the billing instructions issued by the agent duly appointed by one carrier, that while concurrences in Forms FX2, FX4, or FX5 must be executed by those carriers whose lines will be included as originating lines in such billing instructions, those lines whose points will be the destination points in the billing instructions must concur to the

power-of-attorney line by the use of concurrences in Forms FX2, FX3, or FX4 (Rule 15a).

Form FX5

This form of concurrence is another iron-clad form; that is, no qualifications whatever may be made in it. It is considerably broader than Form FX3 in that it conveys authority to publish rates from points on the line of the executing carrier as well as to points thereon and via such road. To this extent, it is similar to Form FX4, but no qualification is permitted in this form as to the kind of traffic covered.

This form, like FX3 and FX4, is to be used only by one carrier in conveying authority or concurrence to another carrier.

Concurrences Running to Agents Only

We have already learned that in the original concurrence forms the Commission did not differentiate between those running to another carrier and those running to an agent. There were several reasons why this sort of procedure was found unsatisfactory.

When the concurrence forms were revised by the Commission, those to be used in concurring to an agent were Forms FX6, FX7, and FX8.

Form FX6

This form of concurrence, running to a duly appointed agent, is identically the same as Form FX3, running from one carrier to another, except that the issuing carrier assents to, and concurs in, the publication and filing of any freight rate, schedule, or supplement thereto, which the agent to whom the various lines have given power

Changes in Concurrence

A change in a tariff is effective when, and only when, the tariff as filed and posted is changed. Hence, when a concurrence is revoked or its scope is curtailed, the public has no means of being advised of this fact except through the publication of a corrected tariff or by a supplement to the tariff affected. Hence, the Commission has very wisely provided that sixty days' notice must be given when any concurrence is revoked or its scope curtailed in order that the line to which such concurrence runs may have ample time to publish the necessary correction to its tariff, thus giving the commercial public necessary notice of the change in the application of the rates.

The Commission has further ruled that when a change of the character mentioned above is made in a concurrence, and the line to which such concurrence runs fails to make the necessary change in its tariff, it shall be responsible to the concurring carrier for the difference in charges under the tariff as it reads and as it would have read if it had been corrected in accordance with the revised concurrence. Furthermore, shippers are entitled, under such conditions, to have their shipments moved as provided in the tariff as issued rather than as it would be if corrected to conform to the revised concurrence. The foregoing rules apply alike to concurrences running to joint agents and to those running to individual carriers (Rule 26b).

Concurrences in Tariffs Applying to or from Mexico and Canada

In connection with tariffs which name rates from points in the United States to points in Mexico or Canada and from points in Mexico or Canada to points in the United States, or again, from points in Mexico

through the United States to points in Canada and vice versa, or between points in Canada where a portion of the movement is through the United States, a list of concurring carriers and concurrences from such carriers is required, the same as in tariffs which are applicable between points in the United States, or from points in the United States through Canada to points in the United States.

As a penalty for failure to comply with this requirement, the Commission's Rule 72 of Tariff Circular No. 18-A provides that a statement of the division of the rates accruing to the roads in the United States to or from the border, must be incorporated in the tariff, or filed with the Commission together with or at the same time the tariff is filed.

Transfers of Concurrence

Considerable trouble was formerly encountered when, for some reason or other, issuing carriers appointed one agent to succeed another, because it has been found hard to impress upon concurring carriers the necessity for promptly reissuing their concurrences to run to the new agent, effective on a date set. In some instances where carriers were delinquent in reissuing their concurrences, it has been found necessary to carry two sets of concurring carriers, one running to the new agent and the other running to the old agent.

To assist the agents operating under powers of attorney, the Commission has provided for a transfer of concurrence in cases where the same principals that appointed the former agent will be served by the new agent.

Under such authority, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer

of attorney may issue. On this form, therefore, the agent inserts every road which has given him power of attorney and for which he expects to issue tariffs applying to and via points on such roads.

This form, like FX3, may not be qualified.

Form FX7

This form, running to an agent, conforms with concurrence FX5, running from one railroad to another, and is in identically the same form except that in the place of the railroad in whose favor it is issued is shown a full list of the railroads who have appointed him their agent by power of attorney.

Form FX8

This form for the agent takes the place of Form FX4, running from one individual carrier to another, and may be qualified in identically the same manner as Form FX4.

A list of the carriers which have executed powers of attorney in favor of the agent is shown in the same manner as in Forms FX6 and FX7.

Characteristics of Concurrences

The characteristics of various concurrence forms may be summed up as follows:

1. Form FX2 runs to a carrier or to an agent. Forms FX3, FX4, and FX5 run from one carrier to another. Forms FX6, FX7, and FX8 run from a carrier to an agent.

2. Forms FX3 and FX6 confer authority to publish and file rates to points on and via the lines of the issuing carriers, but not from points on the lines of such concurring carriers.

3. Forms FX5 and FX7 confer authority to publish and file rates to and from points on the line of the concurring carrier and via its line.

4. Forms FX3, FX5, FX6, and FX7 are not to be modified.

5. Forms FX4 and FX8 may be changed to fit the circumstances governing the concurring carrier. In other words, they may be qualified to cover certain traffic or to authorize a railroad or an agent to publish rates to points on the concurring carrier's line, from the concurring carrier's line, or via the concurring carrier's line. The Commission, however, indicates very clearly that it desires the so-called iron-clad form of concurrence used whenever possible; in other words, Forms FX4 and FX8 are to be used only when none of the other forms provided covers the actual necessities of the concurring carrier.

General Rules Relating to Concurrences

Unlike a power of attorney or tariff, both of which may be changed on thirty days' notice to the Commission, concurrences may be changed only upon sixty days' notice, so far as concerns revocation or contraction of application. For example, suppose that one road issues an FX3 concurrence running to another carrier applying on all classes of traffic and that it desires to restrict the application of this concurrence so that it will not apply on lumber and forest products. To do this, it is necessary to issue a concurrence in Form FX4, cancelling the former FX3 concurrence, which will cover the publication of rates applying to and via the line and include all traffic except lumber and forest products.

In order to make this contraction in application, sixty days' notice must be given (Rule 26b).

Changes in Concurrence

A change in a tariff is effective when, and only when, the tariff as filed and posted is changed. Hence, when a concurrence is revoked or its scope is curtailed, the public has no means of being advised of this fact except through the publication of a corrected tariff or by a supplement to the tariff affected. Hence, the Commission has very wisely provided that sixty days' notice must be given when any concurrence is revoked or its scope curtailed in order that the line to which such concurrence runs may have ample time to publish the necessary correction to its tariff, thus giving the commercial public necessary notice of the change in the application of the rates.

The Commission has further ruled that when a change of the character mentioned above is made in a concurrence, and the line to which such concurrence runs fails to make the necessary change in its tariff, it shall be responsible to the concurring carrier for the difference in charges under the tariff as it reads and as it would have read if it had been corrected in accordance with the revised concurrence. Furthermore, shippers are entitled, under such conditions, to have their shipments moved as provided in the tariff as issued rather than as it would be if corrected to conform to the revised concurrence. The foregoing rules apply alike to concurrences running to joint agents and to those running to individual carriers (Rule 26b).

Concurrences in Tariffs Applying to or from Mexico and Canada

In connection with tariffs which name rates from points in the United States to points in Mexico or Canada and from points in Mexico or Canada to points in the United States, or again, from points in Mexico

through the United States to points in Canada and vice versa, or between points in Canada where a portion of the movement is through the United States, a list of concurring carriers and concurrences from such carriers is required, the same as in tariffs which are applicable between points in the United States, or from points in the United States through Canada to points in the United States.

As a penalty for failure to comply with this requirement, the Commission's Rule 72 of Tariff Circular No. 18-A provides that a statement of the division of the rates accruing to the roads in the United States to or from the border, must be incorporated in the tariff, or filed with the Commission together with or at the same time the tariff is filed.

Transfers of Concurrence

Considerable trouble was formerly encountered when, for some reason or other, issuing carriers appointed one agent to succeed another, because it has been found hard to impress upon concurring carriers the necessity for promptly reissuing their concurrences to run to the new agent, effective on a date set. In some instances where carriers were delinquent in reissuing their concurrences, it has been found necessary to carry two sets of concurring carriers, one running to the new agent and the other running to the old agent.

To assist the agents operating under powers of attorney, the Commission has provided for a transfer of concurrence in cases where the same principals that appointed the former agent will be served by the new agent.

Under such authority, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer

notice, stating that the concurrence, naming the former agent, will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers. The form to be used is set forth on page 9 of Supplement No. 3 to Tariff Circular No. 18-A.

It has probably been observed that, unlike powers of attorney, which must be executed by a corporate official, all concurrences and transfer notices may be executed by the party who has charge of the publication of tariffs for the road issuing such concurrences or transfer notices. That is, they may be signed by a freight traffic manager, assistant freight traffic manager, general freight agent, assistant general freight agent, or chief of tariff bureau, as the case may require.

Printing and Size

All concurrences and transfer notices must be printed or typewritten on hard-calendered paper, 8 by 10½ inches in size.

Copies Required

When Form FX2 is used, three copies should be issued, the original and duplicate to be forwarded either to the line or to the agent to which such concurrence runs and the third copy, or triplicate, to be retained in the issuing carrier's file. The road or the agent to which such concurrence runs will in turn forward the original, with the tariff covered, to the Interstate Commerce Commission and retain the duplicate in his file for his record.

Distribution

Forms FX3, FX4, and FX5 should be issued in triplicate. The original should be mailed by the issuing carrier direct to the Interstate Commerce Commission and the duplicate should be mailed to the carrier in favor of which such concurrence is issued.

Forms FX6, FX7, and FX8 should be issued in triplicate, the original to be sent to the Interstate Commerce Commission, the duplicate mailed to the agent to which such concurrence runs, and the triplicate retained for the issuing carrier's files. In case each of the carriers which has given the agent power of attorney does not, in such power of attorney, provide that the agent has authority to receive concurrences for it, the parties issuing concurrences in Forms FX6, FX7, and FX8 are obligated to send a copy of such concurrence to every line for which the agent acts under power of attorney. This will clearly demonstrate the desirability on the part of each railroad, when executing power of attorney in favor of an agent, to take advantage of the omission of cross exchange of concurrences as permitted by the use of the words "for it jointly with other carriers" instead of "for it alone," as provided for in Rule 18.

Subsidiary Lines

In many instances small or subsidiary lines do not wish to be put to the expense of issuing concurrences in tariffs applying to points on their line. In such cases they may give to the parent or another line power of attorney to concur in tariffs. Form FX1 is to be used in such instances, modified by striking out from line 6 the word "file" and substituting therefor the words "to give and receive concurrences in."

On the other hand, so far as concerns rates from points on such subsidiary and small lines, they may give to the parent or another line authority to publish such rates by Form FX4 or FX5 (Rule 26b).

MODIFICATION OF POWERS OF ATTORNEY

In executing a power of attorney, the issuing road is privileged to make any modification it may desire in the actual wording thereof. For example, it is permitted, if

so desired, to strike out from line 6 the word "tariffs," or it may eliminate from line 7 the words "and exception sheets." Again, it may be issued to cover a particular line of traffic; for instance, it may be qualified to apply only on lumber and forest products or on coal and coke, etc. (Rule 16c).

As an aid to agents operating under powers of attorney and also to the railroads granting such powers of attorney, in cases where an agent or attorney for certain lines joins with the agent or attorney for other lines in another territory in the issuance of tariffs naming through joint rates from points in one territory to points located in another territory, the Commission has provided that if the agents act under powers of attorney which contain the words "for it jointly with other carriers," the cross-exchange of concurrences may be dispensed with as between the roads represented on the one hand by one agent and those represented on the other hand by the other agent.

This authority is a great convenience and has been taken advantage of very extensively in connection with joint tariffs published by agents Morris and Leland and in connection with tariffs published jointly by agents Countiss, Morris, and McCain. There are many other instances of like character, but these cases are cited merely as examples of actual practice.

CHAPTER VII

THE LONG-AND-SHORT-HAUL CLAUSE FROM A TARIFF PUBLISHER'S VIEW

Statutory Requirements

Section 4 of the Act to Regulate Commerce as amended on June 18, 1910, reads, in part, as follows:

> That it shall be unlawful for any common carrier subject to the provisions of this Act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this Act.

The original law, which became effective on April 5, 1887, also contained a long-and-short-haul clause. At that time the carriers made an attempt to take care of the long-and-short-haul-clause feature by including in their tariffs a clause reading as follows:

> Higher rates will not be charged for a shorter than for a longer distance over the same line, the shorter being wholly included within the longer distance.

This clause, it will be observed, reads practically the same as a part of the present fourth section.

The carriers, in publishing their rates under the original law, at first conformed strictly to the law. For example, in publishing class rates, let us say, to a certain point, via a circuitous route, the rates via the short or direct line to the common point or points were not met

by the long route. In other words, to this common point the rates of circuitous routes would be those applicable to the intermediate points taking higher rates. There could be but one result from this procedure and that was, generally speaking, that the traffic for the common point moved over the short or direct line.

This situation was continued until 1896, although it is only fair to say that the circuitous routes did not, in all cases, forego the handling of traffic to a common point reached by a more direct line. Where there was any considerable movement of traffic, the circuitous route, in order to meet the class rate of the direct line, issued a commodity rate applying via its road which was identically the same as the class rate via the direct route.

At the time that the Act to Regulate Commerce was first made effective, tariffs providing for commodity rates covered but very few destination points, and later all these tariffs bore the long-and-short-haul clause which has just been cited. This resulted in permitting the circuitous route to meet the short-line rate in practically all cases so far as concerned traffic moving under commodity rates.

This situation, comparing class rates with specific commodity rates, created a very unnatural condition. After 1896 the carriers gradually commenced to ignore, in a sense, the long-and-short-haul clause of the Act to Regulate Commerce. The circuitous routes met the rates published to common points by the direct lines, on both class and commodity rates, but at the same time held up to the higher basis the rates to local stations where there was no necessity for reducing them to the lower plane of the direct-line rates. This procedure really placed no hardship on the commercial public. In fact, it resulted in an advantage to the shipper and consignee by making available the choice of more than one route. In many instances, on account of advantageous deliveries of the

circuitous route, it was much more satisfactory to the consignee to have the consignor forward his freight via the circuitous route.

There is no intention to make an analysis of this question in this treatise or to advance any argument either in favor of, or against, the practice which was universally adopted by the carriers, but the foregoing explanation is made in order that the development of the present rate adjustments may be more fully understood.

Petitions for Relief

With the amendment of the Act on June 18, 1910, the Interstate Commerce Commission was granted much broader powers than it had possessed prior to that time. As there was considerable discussion in Congress, at the time the Act was being considered, as to the application of the fourth section or the so-called long-and-short-haul clause, it devolved upon the Commission to take action regarding the rates via the circuitous routes versus those via the direct lines. It was apparent, of course, that if the fourth section was strictly complied with, it would mean vast reductions in the rates then in effect, or circuitous routes would be forced to discontinue handling traffic between points where they were at a disadvantage as to distance.

These reductions seemed unnecessary and yet the commerce of the country had adjusted itself to the use of all available routes, both direct and circuitous. Hence, as the Commission was unable to make an analysis of every case where the long-and-short-haul clause was not complied with in the tariffs published by the various carriers, as a temporary measure to continue the free movement of traffic, an order was made under which every carrier was asked, in fact ordered, to file petitions with the Interstate Commerce Commission for relief from the applica-

tion of the fourth section, in every case where the rates then in effect did not conform strictly thereto.

This order placed upon the carriers the stupendous task of working up petitions to cover instances where their rates did not conform to the fourth section. It was found simply impossible to treat every individual case in the time which was granted by the Commission to do the work. Hence, the railroads appointed various agents to prepare blanket applications to the Interstate Commerce Commission for authority to continue the existing adjustment of rates.

For example, Mr. J. F. Tucker, at that time Chairman of the Central Freight Association, was appointed agent, by the roads in Central Freight Association Territory, to file the applications covering the rates published by such roads. These applications were to protect not only the rates applying between points in Central Freight Association Territory, but also the rates published to points in other territories where through tariffs were in effect.

After considerable work, Mr. Tucker filed twenty-three petitions to cover tariffs published by him and other agents under power of attorney and also those published individually by the lines in Central Freight Association Territory.

In addition to these petitions filed for the Central Freight Association lines, there were also a number of joint petitions prepared by Mr. Tucker and agents in other territories to cover such rates as those applying from points in Central Freight Association Territory to Southwestern Tariff Committee Territory and to Trans-Continental Freight Bureau Territory.

Even this plan of appointing an agent to prepare blanket petitions, while it greatly reduced the number of petitions filed with the Commission, did not simplify the work as much as might be expected. Up to the present time, several thousand of such petitions have been filed

with the Interstate Commerce Commission and but very few of them have yet been passed upon by that body.

With the filing of these petitions for relief from the provisions of the fourth section, the publication of rates came practically to a standstill. The carriers felt that they could not even make the changes which were necessary from time to time in order to enable the expeditious movement of property. As this caused no end of complaint from the shipping public, the Commission concluded that some relief would be necessary until it would be able to pass on the various petitions.

From the information previously stated as to the number of petitions which had been filed up to this time, the stupendous job which confronted and still confronts the Commission in passing upon these various petitions will be readily understood. Therefore, in order to enable the carriers to publish such rates as would permit the free movement of traffic, a number of so-called fourth-section orders were promulgated, all of which were consolidated into one order on the third of February, 1914, in Fourth-Section Order No. 3700, known as General Order No. 13.[1]

This order provides, until such time as the Commission passes upon petitions covering tariffs which were in effect prior to February 17, 1911 (the final date which the Commission set as that on which all petitions for relief from the fourth section must be filed), that changes may be made in rates and fares which occur in the ordinary course of business which would entail continuing higher rates at intermediate points and through rates or fares higher than the combination of intermediate rates or fares. It clearly states that when the Commission passes upon any petition for relief from provisions of the fourth section, the authority granted by Fourth-Section Order No. 3700 will be automatically canceled.

[1] This order will be found reproduced in full on pages 154 to 157, inclusive.

General Order No. 13

As to, and confined in all cases to, rates which are included in petitions for relief from the fourth section, the order permits carriers to make changes in such rates under the following conditions, even though the discrimination against intermediate points is increased:

1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates. Even though this procedure may result in higher rates from or to intermediate points, where a combination of locals is not available it is proper to publish as a through rate such combination of locals without reducing to the same level all the rates from and to all intermediate points. Such reduced rates may be established by all routes operating between the points involved.

2. When such a reduction is made in rates between two points, all the points which ordinarily take the same rates may be similarly reduced, that is, all points in the same rate groups.

3. A longer line or route may reduce the rates in effect between the same points or groups of points, to meet the rates of a shorter line, even though the current rates via either line do not conform to the fourth section of the Act, under the following circumstances: (a) where the longer line desires to meet a reduction in rates initiated by the shorter line; (b) where the longer line has not at any time met the rates of the shorter line.

4. A newly constructed line may publish rates from and to its junction points on the same level as those of other roads. At the same time the rates from and to its local stations can be made in harmony with those from and to the junction points but need not be held down to

the level of the direct-line rates from and to the junction points.

5. Where carriers publish rates between certain points which do not conform to the provisions of the fourth section at intermediate points, for the purpose of meeting the competition of water or rail-and-water carriers between the same points, they may make such further reductions in their rates as are necessary to meet any reductions made by the water or rail-and-water lines.

6. Where there are no through rates in effect via various routes or gateways between two points and the combination of lawfully published and filed rates via one gateway makes less than the combinations via other gateways, rates may be published on the basis of the combination via the gateway through which the lowest combination can be made, and such rates made applicable via all gateways.

Fourth-Section Order No. 3700 gave the carriers a great measure of relief, but it did not obviate in every respect the various problems which confronted the compilers of tariffs because it did not give carriers authority to increase the discrimination at intermediate points when new rates were established.

Rule 77

In the case of tariffs providing for class rates, no particular trouble was encountered, because, as there was likely to be a movement of traffic between any and all points, all points of origin as well as all points of destination were included in these tariffs.

In the case of tariffs naming commodity rates, however, the situation was entirely different, because in many cases there was a movement of traffic between only a few points. In other words, at many small points there would be no demand whatever for a certain class of freight and

therefore there would never be a demand for the same commodity rates as were necessary to larger cities or consuming points.

At the same time, in establishing new commodity rates between important centers, if similar rates were not published from and to the intermediate stations, the discrimination at such intermediate points would be increased unless rates were published to every intermediate destination and from every intermediate point of origin, as in the case of class-rate tariffs. As has been explained, there would probably never be a movement of the traffic involved from certain of the intermediate points and to certain of the intermediate destinations. Hence, to publish commodity rates from and to every intermediate point would entail upon the carrier a great and entirely needless expense.

Very naturally, the Commission early became cognizant of this fact, as will be observed from Rule 77 in Supplement No. 4 to Tariff Circular No. 18-A. This rule points out that "if tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named" in the tariff. Furthermore, "if such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point."

This rule goes on to state that "ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but there may be instances where the intermediate application of rates is

impracticable or where conflicting rates would result from the establishment of such intermediate application." In addition to the condition mentioned above, it is very clear that "tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move." Hence, the Commission, through Rule 77, extended to the carriers the privilege of publishing commodity tariffs naming rates from and to points of production and consumption only, such tariffs to bear a clause on the title-page as shown on page 5 of Supplement No. 4 to Tariff Circular No. 18-A.

Rule 77 received the very careful consideration of all railroads throughout the United States. This consideration by the carriers in Central Freight Association Territory resulted in the conclusion that so far as concerned points of destination, it was advisable to cover this feature by a long-and-short-haul clause, but as to intermediate points of production, the use of Rule 77 was an ideal way in which to overcome the publication of rates which would never be used.

The clauses finally decided upon by Central Freight Association lines to appear on the title-page of tariffs which do not name rates from all points intermediate to the origin points therein, are as follows:

1. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

2. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, these rates are not made applicable from all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect and specifically published in this tariff from the next more distant

point *on the same railroad*, except when the rates from the more distant point shown herein bear reference mark (*), will, under authority granted by the Interstate Commerce Commission, be established from any intermediate point hereunder upon one day's notice to the Commission and to the public.

3. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, these rates are not made applicable from all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect and specifically published in this tariff from the next more distant point *on the same railroad*, except when the rates from the more distant point are named in Items ....., will, under authority granted by the Interstate Commerce Commission, be established from any intermediate point hereunder upon one day's notice to the Commission and to the public.

The three clauses are available for use at the option of each individual carrier, as circumstances may require. The first clause is specific in that no exceptions whatever are made; the second clause provides an exception where the rates are marked with an asterisk or other character, and this clause as well as the third are used in such tariffs as contain rates which are made to meet competition of short lines.

All three of these clauses may be changed to cover intermediate points of destination if the initial carrier so elects. The words "on the same railroad" may be omitted if desired, but most carriers consider it inadvisable to do so because without this safeguard the use of Rule 77 by an initial carrier might force the establishment of rates from points on the line of another carrier.

Suppose that a rate was published from St. Louis to Pittsburgh via Indianapolis and that the traffic was handled from St. Louis to Indianapolis by the Vandalia Railroad. This rate could not under any circumstances be used as authority for reducing the rate from some point east of Indianapolis, where the class rate might provide a higher basis on the particular commodity involved, if the clause on the title-page contained the words "on the same railroad."

There are many cases in which it is not necessary to take advantage of Rule 77 of Tariff Circular No. 18-A. In such cases many carriers use the following rule, inserting same under the caption "Application of Rates":

On traffic having the point of origin in one state and the point of destination in another and on traffic having both the point of origin and destination in the same state but which passes through two or more states in reaching the final destination, the following will govern to intermediate points:

Unless otherwise provided herein, the rates to intermediate points not shown in this tariff will be the same as to the next more distant point named in this tariff.

The following will govern from intermediate points:

Unless otherwise provided herein, the rates from intermediate points on the (here is inserted the name of the road issuing the tariff) not shown in this tariff will be the same as from the next more distant station named in this tariff.

When this clause is used, in case rates are named from or to certain points and it is not desired to apply them from or to intermediate stations, the particular rates may bear reference marks and a statement may be made to the effect that they will not apply from or to intermediate points, as the case may be.

The use of Rule 77 or a long-and-short-haul clause in tariffs requires the greatest of care and discrimination on the part of the compiler and necessitates a detailed analysis of the conditions at the intermediate points and of the character of the commodity on which rates are being published.

Different situations as to the application of the fourth section in tariff compilation are constantly presenting themselves and hence they may not be definitely mentioned in a treatise of this character. However, the foregoing should give a foundation on which to build a broad and thorough knowledge of the subject when the actual problems are encountered.

TRANSPORTATION ACT OF 1920

The fourth section of the Interstate Commerce Act, as amended by Section 406 of the Transportation Act of 1920, prescribes certain limitations as to the authority of the Interstate Commerce Commission in relieving carriers from the provisions of the fourth section.

The amended fourth section provides that in exercising the authority conferred upon it the Interstate Commerce Commission shall not grant relief to a circuitous line to meet the charges of a more direct line to or from competitive points and to maintain higher charges to and from intermediate points as to which the haul of the circuitous line or route is not longer than that of the direct line between the competitive points.

At this writing the Commission has not issued any instructions as to compliance with this limitation, and it is impossible to state what effect it may have on the present rate adjustment.

CHAPTER VIII

DIFFERENT FORMS AND KINDS OF TARIFFS REQUIRED FOR THE TRANSPORTATION OF INTERSTATE COMMERCE

Properly speaking, all issues which must be published and filed, based on requirements of the Act to Regulate Commerce, are designated as tariffs, but by a proper analysis of the various issues, they may be divided up under the following heads:

(1) Classifications and Exceptions to Classifications.
(2) Freight Tariffs.
(3) Bases for Rates.
(4) Territorial Directories.
(5) Station Lists.

Classifications and Exceptions

As has already been observed,[1] there are three general classifications applying throughout the United States, namely, Official Classification, Southern Classification, and Western Classification. In addition to these three, there is another classification, known as the Canadian, which applies in some instances in connection with rates from points in the United States to those in Canada.

These classifications are invariably issued by an agent, acting under power of attorney from the issuing carriers.

When exceptions to these classifications, however, are taken into account, the procedure is somewhat different,

[1] See treatise on *Freight Classification.*

because some of them are issued by an agent under power of attorney while others are issued by the individual roads. For example, Eugene Morris publishes exceptions to the Official Classification for a large number of the roads operating in Central Freight Association Territory, but at the same time, the same exceptions are also published individually by a number of the larger railroads. For instance, the following roads, located in Central Freight Association Territory, publish their own exceptions: Baltimore & Ohio Railroad, Erie Railroad, Pennsylvania Lines West of Pittsburgh, Grand Trunk Railway, Pere Marquette Railroad, New York, Chicago & St. Louis Railroad, and a few others. On the other hand, exceptions to the Official Classification for roads operating in Trunk Line Association and New England Freight Association territories, are invariably issued by the individual lines.

Exceptions to the Western Classification are issued for roads operating in Western Trunk Line Committee Territory by E. B. Boyd, agent, and those operating in territory other than that under the jurisdiction of Mr. Boyd, by other agents and by the individual roads themselves. On the other hand, exceptions to the Southern Classification are to a great extent incorporated in said classification itself.

Freight Tariffs

Freight tariffs may be said to be divided into these four kinds:

(1) Those naming rates.

(2) Those containing rules governing car service and storage.

(3) Those containing switching charges and rules governing the absorption of switching charges.

(4) Special privilege tariffs.

(a) Freight Rate Tariffs

Freight rate tariffs are those which actually name rates. They consist of two kinds:

(1) Local tariffs—those which name rates between stations on the roads issuing such tariffs only.

(2) Joint tariffs—those which contain rates from stations on the issuing road to those on other roads. Frequently, joint rates apply *between*, that is, from stations on foreign roads to those of issuing carrier, as well as in the opposite direction.

Again, both local and joint tariffs may also be proportional tariffs, that is, tariffs which contain rates to be used in connection with other rates in arriving at through charges.

Local, joint, and proportional tariffs may contain rates of the following character:

(1) Class rates.
(2) Class and commodity rates.
(3) Commodity rates.

(b) Car Service and Demurrage Tariffs

Where cars are unduly delayed by shippers or consignees in loading or unloading, very properly a charge is made for such delay beyond a reasonable time and while generally speaking the charge for such delay is one dollar per car per day or fraction thereof beyond forty-eight hours, there are many exceptions to this charge and the assessment of same is subject to a great many conditions. Hence, it is necessary to outline clearly all of the rules dealing with the demurrage or car service.

Less-than-carload freight is very often delayed in the freight house of the carriers for a period far beyond

what it should be and charges are made against the owners of the property for such delay. These charges and all of the rules and regulations surrounding the assessment of same are published in tariffs known as storage tariffs.

A general code of rules governing storage has been agreed upon as between the commercial public and the Interstate Commerce Commission and these rules have been quite generally published by the different railroad companies throughout the United States, although there is some variation as to the charge for storage and also the actual free time which is allowed before storage commences.[2]

(c) Switching and Switching Absorption Tariffs

It is a very general practice throughout the United States for one carrier to open up certain industries, and sometimes its team tracks, for the delivery or forwarding of freight in connection with other lines. Of course where this is done, very properly a charge is made for this service. Such charges are published in switching tariffs.

In some cases, the charge made for switching is so great on account of the service performed that the road-haul carrier, that is, the road which actually hauls the freight from point of origin or to destination, is not able to absorb the entire charge for switching without depleting its own revenue and in fact many times hauling the traffic for little or nothing. Hence, in order that the commercial public may, at all times, know just what the charges are to be for the transportation and delivery of traffic, tariffs are published announcing just what amount for switching will be absorbed out of the joint through rates.

[2] See treatise, *Demurrage and Car Efficiency.*

The tariffs which give this information are known as switching absorption tariffs. Very frequently the absorption rules are included in the switching tariffs themselves.

(d) Special Privilege Tariffs

In addition to the actual transportation of freight traffic, the carriers in many cases grant special privileges to the shipper or consignee under which shipments may be stopped in transit for diversion to another point, or they may be stopped in transit for the purpose of furthering or completing the process of manufacture and, of course, the shipping public must at all times be advised of any privileges of this character to which they are entitled. These privileges are therefore published in tariffs which are commonly called special privilege tariffs. There are many kinds of privileges granted and, for convenience in becoming familiar with them, they have been classified under the following subheads:

(1) Diversion or Reconsignment Rules.—In many instances it is found necessary to divert or reconsign carload traffic for the reason that after a shipment has been started to its intended destination, the consignee may cancel the order, which makes it necessary for the shipper to find some other market for the property, and in order to expedite this procedure and at the same time prevent any undue loss to the shipper, the railroad companies, under certain circumstances, permit a change in destination and consignee.

(2) Grain Doors.—For many years the railroad companies have furnished grain doors, that is, material to fill up the apertures at the car doors when they are loaded with bulk freight. This arrangement has been restricted to quite an extent to cars loaded with bulk grain and, as it represents something due the owners of

the property, the rules governing the furnishing of such grain doors must of course be incorporated in tariffs.

(3) Transferring Grain Through Elevators.—It is frequently necessary for various reasons to transfer bulk grain from one car to another. This is usually done through a grain elevator because it can be done in this way much cheaper than by any other means. This is one of the special privileges which is incorporated in tariffs under the main caption above.

(4) Transit Arrangements.—By far the largest number of special privileges come under the head of transit arrangements. Such arrangements cover the following privileges:[8]

(1) Cleaning of grain, peas, beans, etc., in transit.
(2) Creosoting of lumber, etc., in transit.
(3) Fabrication of iron and steel in transit.
(4) Milling of grain in transit.
(5) Mixing of seed in transit.
(6) Refining of oil in transit.
(7) Shelling of corn in transit.
(8) Smelting of ore in transit.
(9) Storage and reconsignment of freight in transit.
(10) Track grain, that is, reconsignment or diversion of grain in cars held on tracks of the railroad companies.

(5) Trap or Ferry Cars.—In many instances, for the convenience not only of the railroad company but of the shipper as well, shippers are permitted to load a number of less-than-carload shipments in a car placed on their side track or at their factory, and these cars are then switched to the freight houses and the freight properly distributed into cars running to the various destinations.

This privilege is of course only granted under certain circumstances, subject to certain minimum weights and,

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[8] See treatise, *A Primary Lesson in Transit.*

in some instances, to certain minimum freight charges. All of the rules and regulations governing the arrangement must be published in tariffs.

(6) Icing and Refrigeration Rules.—In many instances the carriers ice and re-ice cars for the accommodation of property requiring such service and that the public may know what the charges will be, it is required that tariffs setting forth this information be posted and filed with the Commission.

(7) Pick-up Cars.—Pick-up cars are cars into which are loaded dairy products "picked up" at various stations while the car is enroute.

(8) Pedlar Cars.—These cars are loaded with fresh meat to be delivered at various stations. The usual arrangement is that the freight for each station is unloaded without removing the car from the freight train, although sometimes it is necessary to set off the car. In such instances, however, a special charge is made for the service.

(9) Weight Agreements.—In many cases, when freight is shipped in packages of fixed size, it is not convenient to weigh the shipments. Agreements are therefore entered into between the shippers and the railroad companies, under which such shipments are accepted at an estimated weight per package. All agreements of this kind must be filed with the Interstate Commerce Commission; hence, they are included in tariffs under the caption of special privileges.

(10) Weighing or Reweighing Cars at the Request of Shipper or Consignee.—In many instances, for various reasons, a shipper or consignee may desire the carriers to reweigh a car which has already been weighed. Of course in such cases it is proper to make a charge for this service. Furthermore, it often happens that after a car has been unloaded, the shipper desires the railroad companies to light-weigh the car, that is, weigh the car

empty. As every car has stenciled thereon the light or tare weight, so called, the railroad companies do not perform this service free of charge, and necessarily the charge for such service must be incorporated in a tariff.

Bases for Rates

For the purpose of economy, the carriers have found it advisable in many instances to publish rates to important or basing points only and take care of the other points in the same particular territory by means of tariffs naming bases for rates. These bases for rates take care of two general conditions, as follows:

(1) In order to expedite the handling of less-than-carload freight traffic, particularly, a number of lines joined together many years ago to inaugurate fast freight service. Such organizations are commonly called fast freight lines. This situation exists particularly in Central Freight Association and Trunk Line and New England Freight Association territories.

These fast freight lines have, for a number of years, published guide books or billing instructions in which are included the various points in Trunk Line and New England Freight Association territories, which take the same rates as the important basing points. These fast freight line guide books or billing instructions do not name any actual rates; hence, they are said to contain the bases for rates.

(2) Tariffs in Western Trunk Line Committee Territory have for a good many years been published by various roads, naming rates from Chicago, Peoria, etc., to western territory and the Chicago rates applied from points on a good many roads other than those which actually issue the rates. This application has been covered in specific tariff form, such issues containing what has been commonly called information as to the "application of rates."

Territorial Directories

It has been observed that in many instances rates are made applicable from or to certain territories and in order to save expense by including actual description of such territories in the tariffs naming the rates, there have come into existence in a number of sections of the United States, issues which are known as territorial directories. These territorial directories are usually issued by an agent, and are therefore available for reference use by the various railroads which may publish individual rates. This results in a very great saving for the railroad companies. For instance, Agent Morris, in his Territorial Directory No. 3 series, gives a description of so-called Trans-Mississippi River Territory, which covers several pages in such territorial directory. There are several hundred tariffs which name rates to and from the Mississippi River applicable on trans-Mississippi River traffic, and unless there were a publication containing a general description of this territory, it would be necessary that the description be reproduced in every one of these different issues. This will demonstrate that not only is it a great saving to the railroad to incorporate this information in a common agency issue and make reference to such issue for necessary details, but it also insures an absolute uniformity of the description of Trans-Mississippi River Territory which might not result if such description were reproduced in every tariff containing proportional rates to and from the Mississippi River applicable on traffic destined to or originating west thereof.

Station Lists

It is common for each railroad to publish an issue which contains a complete list of its stations, together with their physical characteristics, that is to say,

whether the stations are open stations or prepaid stations and whether they are in a position to handle both carload and less-than-carload freight or less-than-carload freight only. All of this information was formerly published in all tariffs which named rates to such stations, but considerable trouble was experienced in keeping such tariffs corrected to show the actual changes in station names and character of stations. It was finally concluded to issue a consolidated station list which resulted in the joint agency publication of F. A. Leland and Eugene Morris. The actual compilation work is done in the office of Mr. Leland, Southwestern Tariff Committee, St. Louis, Missouri.

This station list is issued periodically and supplements to it are issued twice each month. The supplements show all changes in the names of stations, as well as the character of same, which are reported by the various railroads. This station list is in turn referred to in the various tariffs of the railroads, by carrying a clause therein indicating that those interested should refer to such station list for information as to the character of stations. As every effort is made to keep the list up to date, the conditions are very much more satisfactory than they were when each individual road attempted to make current changes in its tariffs.

All of the foregoing issues may be divided into two classes:

(1) Those in which lists of concurring carriers must be shown.

(2) Those which do not require lists of concurring carriers.

In considering these subdivisions, it should be kept in mind that those tariffs which name local rates require of course no list of concurring carriers.

As concerns the class of tariffs designated as those containing special privileges, these privileges may only

be granted by the road which has possession of the property when such special privileges are taken advantage of and, with certain exceptions, other roads are in no way interested therein. Hence, no list of concurring carriers is required, because the through rates are in no way affected. However, when it comes to granting the privilege of diverting or reconsigning in transit, all carriers participating in the through joint rate on which the traffic is handled, are interested, and in many instances the originating lines provide in their tariffs naming the through joint rates, that no reconsigning or diverting privileges will be allowed thereunder which result in changing the revenue of the issuing carrier. So long as it is necessary under the heading of "Rules and Regulations" in every tariff to announce the special privileges which may be granted thereunder, no list of concurring carriers is required in tariffs which provide diversion or reconsignment rules, because the issuing carrier at all times has the option of stating whether or not traffic handled under the through rates named in its tariffs may be diverted or reconsigned in transit.

Different Forms of Tariffs

Tariff Circular No. 18-A permits the publication of rates in tariffs of the following forms:

(1) One sheet tariffs.
(2) Pamphlet tariffs.
(3) Book tariffs.

Book tariffs may either be bound or in loose-leaf form. Loose-leaf tariffs are explained in detail under the following caption.

Kinds of Tariffs

We have already observed the character of tariffs, that is, whether tariffs name local, joint, or proportional rates, or whether they contain special privileges,

etc.; also the different forms in which they may be arranged. Hence, it follows that we should now consider the different kinds of tariffs, that is, how the rates are actually arranged or how they are arrived at. This information may be divided in the following subheads, each of which will be treated in order:

(1) Distance tariffs.
(2) Combination of local rates.
(3) Loose-leaf tariffs.
(4) Rate basis tariffs.
(5) Sectional tariffs.
(6) Periodical tariffs.

(a) Distance Tariffs

Rule 25-g states that it is permissible for a carrier or two or more carriers to issue a tariff containing distance class rates, commodity rates, or both, for use in determining rates on their own line and that such rates may be used only when no other class rates or commodity rates are provided.

Tariffs which name distance rates must bear on the title-page one of the three clauses shown on page 25 of Tariff Circular No. 18-A, under Section (g) of Rule 10.

This authority presents practically the only instance where the Commission has given authority for the alternative use of rates in one or more tariffs, except that such authority has been temporarily granted in connection with certain tariffs published by the Transcontinental Freight Bureau.

The practice of publishing mileage rates is one not generally followed (at least so far as concerns joint rates). As a matter of fact, distance tariffs for local rates are not published to any considerable extent except in certain states where the state regulations prescribe what rates shall be charged for different distances.

(b) Combination of Locals

Section 4 of the Act not only provides "that it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property for a shorter than for a longer distance over the same line and in the same direction," but also "that it shall be unlawful for it to charge or receive any greater compensation than the aggregate of the intermediate rates." For example, suppose there is a joint through rate of 75¢ per one hundred pounds in effect on a certain commodity from Pittsburgh, Pa., to Minneapolis, Minn., and on the same commodity there is a rate of 30¢ from Pittsburgh, Pa., to Chicago, and one of 40¢ from Chicago to Minneapolis. Based on Section 4 of the Act, the through joint rate of 75¢ per one hundred pounds is an unlawful rate in that it exceeds the aggregate or combination of the intermediate local rates.

Prior to May 1, 1907, when the Commission first promulgated its rules covering the publication of freight tariffs, it was customary for the carriers to assess charges based on the combination of the local rates even though they, at the same time, published through joint rates in excess thereof.

Effective March 18, 1907, the Interstate Commerce Commission ruled as follows:

> In every instance where there is a specific rate or fare from point of origin to point of destination, it must be applied to the through shipment or passengers regardless of possible lower combination.[4]

In view of the position of the Interstate Commerce Commission as set forth above, it was impossible for the carriers, under the conditions existing, to give the shipper or consignee the advantage of lower combina-

[4] Conference Rulings of the Interstate Commerce Commission.

tion of intermediate rates when they were less than the joint through rates, and it therefore became necessary to publish tariffs naming rates based on the combination of locals. Innumerable complaints were made by the shipping public because they were forced to pay charges based on through joint rates when they could secure lower aggregate charges by using the sum of the intermediate rates.

It was found absolutely impossible to locate all instances where the aggregate of intermediate rates was less than the joint through rates; hence all tariffs could not be immediately corrected. In order that such cases might be taken care of with as little delay as possible and thus prevent the placing of any undue hardships on shippers and consignees, the Interstate Commerce Commission on February 13, 1911, adopted a rule permitting carriers to establish combination rates on one day's notice to the Commission, provided the rates to be reduced had been in effect thirty days.

One of the requirements, however, which the carriers were obligated to carry out was the showing of reference to the tariff in which were to be found the local rates which were used in making up the combination rates.

It was also provided that a through rate based on the combination of intermediate rates and adopted by one route, established on one day's notice, might also be applied via other workable routes even though the same combination of local rates was not available.

Complete expression of the Commission with reference to the publication of combination rates will be found in Rule 56 of Tariff Circular No. 18-A.

(c) Loose-Leaf Tariffs

Rule 1 of Tariff Circular No. 18-A permits the publication of tariffs in loose-leaf form.

A literal description of the term "loose-leaf tariff" is a tariff which is not permanently bound together. In other words, each leaf is provided with uniform perforations, to conform with any loose-leaf binding device which may be decided upon by the issuing carrier. This permits any particular sheet or sheets to be removed and new ones substituted.

The loose-leaf method of preparing tariffs has many advantages over the old methods, particularly in the case of tariffs which contain a large number of pages. Under the loose-leaf plan, instead of being obliged to examine one, two, and sometimes three, supplements in which are many pages of matter covering changes and additions to the original tariff, there is but one place to look for the information desired and that is on the last effective revised page.

We have already observed that a tariff issued in loose-leaf form must bear in its title-page at the upper left-hand corner above the margin rule, statement to the effect that no supplement is to be issued to such tariff except for the purpose of canceling same and, further, in connection with such tariffs as provide for suspension and restoration of rail-and-water rates, the further exception that such tariff may not be supplemented except as provided for in rule governing the suspension and restoration of rail-and-water rates as authorized by Rule 12, Tariff Circular No. 18-A. (Rule 3-h.)

The foregoing requirement brings forcibly to mind the fact that all changes in or additions to a loose-leaf tariff must be taken care of by reprinting the page on which the desired change is to be made or by inserting a new page to take care of new matter.

In connection with this feature, Section (e) of Rule 9, Tariff Circular No. 18-A, provides that whenever a change is made on one page, both pages of the leaf must be reprinted. For example, a leaf in the original tariff

represents pages 49 and 50, and it is necessary to make a change in some rate, rule, or other feature shown on page 49. This entire leaf will therefore be reprinted, the necessary changes being made on page 49 and the matter on page 50 reproduced without change. The page which is not changed must bear notation at the top reading as follows: "No change in this page."

When a leaf is reprinted, each page must also bear at the top the following words: "First revised page ——" when it is first reissued, and "second revised page" when reissued the second time, and so on, and in each instance, the I. C. C. number of the tariff must be shown at the top. At the bottom of each revised page must be shown the date of issue and the effective date, together with the name, title, and address of the party by whom the tariff is issued.

The one objection to the loose-leaf form of issuing tariffs is failure on the part of those using them to file promptly the corrected pages in their proper place as soon as they become effective. Failure to do this often results in such pages being misplaced. Hence, the greatest of care must be exercised in taking care of the filing feature; otherwise, erroneous rates are apt to be arrived at. An effort to overcome this particular objection is covered by periodically issuing a so-called "check sheet" in connection with each loose-leaf tariff, giving a complete list of the pages throughout the tariff that are in effect, the idea being that those who have occasion to use such tariff, upon receipt of the check sheet, will carefully check same against the tariff, which check will develop whether or not it is up to date.

In some cases, lines have adopted the practice of giving an individual number to each corrected page and incorporate in the original tariff itself, a page with numbers running from 1 to 1,000, or whatever number they might decide upon. As fast as these corrected

sheets are received, the user of a tariff is supposed to check off on the checking page in the original tariff, the number which has been assigned to the corrected page. However, this number has nothing to do with the actual page number as used in the original tariff, as it is merely a means of obtaining a check to insure the receipt of all corrections. For example, suppose corrected sheets have been received up to 25. The checking page in the original tariff will show that these numbers have been received because they have been erased by pencil or other means, and sheet 27 is then received. This immediately shows that a corrected sheet which has been assigned 26 has been issued and, of course, application should be immediately made to the party issuing the tariff, for this corrected sheet.

(d) Rate Basis Tariffs

This form of issuing tariffs is most generally employed in connection with those which name class rates. The plan results, in such cases, in a very considerable reduction in the cost of printing because in place of showing six individual rates for the six classes in Official Classification Territory, it is only necessary to give reference to the rate basis number and then, for the actual rates, reference is made to the table which explains the rate bases, in which, after the rate basis number, are shown the actual six classes.

This plan has come into use very generally, particularly since the Commission has indicated that all percentages and multiples of class rates must be shown in each tariff naming rates of that character, which makes it a physical impossibility to show on one page, the points of origin and destination and, in addition to the six classes, the various multiples and percentages of these classes.

As stated before, tariffs published on the rate basis plan are in general use today but, as a matter of fact, they are not found to be quite as satisfactory as those in which the rates are shown with the points from and to which they apply, because it requires one more move to secure a rate in a tariff of this kind than in the former kind. For example, the user of such tariff must first find the location of the point of origin, turn to the index of destinations to find the location of the destination, and then refer to the page of the tariff on which the point of origin and point of destination appear, to determine what rate basis will apply. After this is done, instead of having at that time secured the rates as would be the case in old-style tariffs, it is necessary to make still another move to the rate basis table to determine what the actual rates are. However, in this period, when rates are changing so frequently, the cost of printing tariffs has assumed enormous proportions and, in the interest of economy, the rate basis tariff has been very extensively adopted.

(e) Sectional Tariffs

Section (b), Rule 7, Tariff Circular No. 18-A, authorizes the alternative use of class or commodity rates, provided such rates are included in different sections of one and the same tariff.

On the first page of each section there must be printed the following rule: "If the rates in Section .... of this tariff make a lower charge on any shipment than the rates in Section .. of this tariff, the rates in Section .. will be applied."

One feature in connection with the alternative use of class or commodity rates should be particularly kept in mind, that is, if a tariff contains both class and commodity rates and such rates are not printed in different

sections, the commodity rate is the only legal rate which may be used, even though the application of the class rate would result in lower through charges.

Another feature to be kept in mind is that no rates may be included in a tariff for alternative use except those which the issuing line or the issuing agent is authorized to publish and change. Rates issued by another carrier or agent may not be reproduced in the tariff of another carrier or agent for such alternative use.[3]

The sectional plan is in use in practically all sections of the United States but perhaps the following are the most typical examples.

(1) In the tariffs of roads located in Central Freight Association Territory naming rates to Trunk Line Territory are included, not only class and commodity rates applying on domestic shipments, but also rates of the same character applying on export shipments. In these tariffs, a double alternative feature is employed. For instance, the domestic class and commodity rates are placed in different sections and their alternative use properly provided for by use of the specified clauses. In addition to this feature, the export rates, both class and commodity, are likewise placed in different sections and their alternative use properly authorized. In addition to the alternative use of class versus commodity domestic rates and class versus commodity export rates, a provision is also carried in these tariffs for the alternative use of the domestic or export rates, whichever may be lower, as to traffic which is actually exported.

(2) An examination of the tariffs issued by F. A. Leland, agent, jointly with Eugene Morris, agent, will disclose another phase of authorized alternative use of

[3] An exception has been made to this rule by the Commission in favor of Frisco System to cover its Tariff 2,800 Series, applying on lumber and forest products.

rates. These tariffs contain class rates and commodity rates and provision is made for the alternative use of three or four plans for arriving at rates.

(f) Periodical Tariffs

Periodical tariffs are those which state on the title-page that they will be issued periodically at specified times, the usual period which such tariffs are allowed to remain in effect being six months.

These periodical tariffs are principally issued by joint agents, the reason being that such tariffs contain a large number of rates and are usually of considerable size, and further, that many changes are made in such rates. The periodical plan gives the issuing agent the privilege of issuing as many pages of supplementary matter as may be necessary during the prescribed life of the tariff. The only provision as to supplements which must be complied with is that dealing with the number which may be in effect at any one time. This feature has already been discussed at some length in the chapter dealing with the issuance of supplements.

CHAPTER IX

REQUIREMENTS AS TO FILING AND POSTING TARIFFS

Filing tariffs means that process by which the tariffs, after they are compiled and printed, are forwarded to the Interstate Commerce Commission. Posting tariffs deals with the distribution of tariffs to the various stations from and to which they apply, and placing them in such manner in the stations at the points involved that they may be available for the use of the agent and also open to the inspection of the public.

Filing Tariffs

Rule 13-A of Tariff Circular No. 18-A provides that all tariffs, classifications, and exception sheets, and supplements thereto, must be filed with the Interstate Commerce Commission, by the proper officer of the carrier or by the agent designated to perform that duty. The simple meaning of the foregoing is that all tariffs, etc., must be filed with the Interstate Commerce Commission by the party duly authorized to issue same.

No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage. Tariffs must be in the Commission's hands so as to permit the required lapse of time before such tariff is to take effect. No consideration is given for failure of United States mails or express companies to deliver tariffs to the Interstate Commerce Commission so as to allow the proper lapse of time before they become effective. Hence, in setting

effective dates of tariffs, careful consideration should be given to the proposition of allowing ample time for transportation to the Commission. Furthermore, care should be exercised to see that the full amount of postage required is affixed to the envelopes in which tariffs are forwarded to the Commission, because delay on the part of the United States mails in transporting such envelopes on account of lack of postage, will not be considered by the Commission as an excuse for failure to comply with provision as to proper lapse of time between receipt of tariff at Washington and its effective date.[1]

All tariffs that are filed with the Commission must be accompanied by a letter of transmittal on paper 8 by 10½ inches in size, form as shown in Rule 27.

It will be observed that the carrier is given the option of using a separate filing form with each schedule or of modifying the form so as to provide for the filing of a number of tariffs or supplements with one transmittal blank. In order that carriers may be sure that tariffs are received by the Commission, it is customary to send the transmittal forms in duplicate and the Commission then stamps the duplicate and returns it to the carrier as a receipt.

As a general proposition, it is considered advisable to send a separate transmittal blank with each tariff or supplement and each issue, in turn, in a separate envelope, on the outside of which is placed the transmittal number. The reason for this procedure is that sometimes errors are discovered in tariffs after they have been dispatched to the Commission and if carrier is able to give reference to the Post Office Department at Washington in such a manner that the package can be identified, it is possible to telegraph the Post Office at

[1] Rule 14-b; Rule 14-d.

Washington, through the postmaster at the forwarding point, to return the package without delivery to the Commission. Then, of course, the tariff or supplement can be reprinted with the necessary changes and reforwarded to the Commission. It should be borne in mind, however, that no package can be returned by the Post Office at Washington unless the telegram requesting such return is forwarded by the postmaster at the point from which the package is sent.

Posting Tariffs

Prior to its amendment by the Hepburn Bill, the sixth section of the Act to Regulate Commerce, in connection with the publication of tariffs, provided, in part, as follows:

> Such schedules * * * shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight respectively are received for transportation, in such form that they shall be accessible to the public and can be continuously inspected.

It also provided that the joint tariffs of rates or fares covering continuous transportation over lines or routes operated by more than one carrier should be made public by the common carriers where so directed by the Commission in so far as in the judgment of the Commission it was deemed practicable; that the said Commission should, from time to time, prescribe the measure of publicity which should be given to such rates, fares, and charges, or to such part of them as it was practicable for such common carriers to publish and the places in which they shall be published.

The sixth section also contained the following:

> If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such

common carriers shall, in addition to other penalties herein described, be subject to a writ of mandamus issued by any Circuit Court of the United States in the judicial district wherein the principal office of such common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic, or has an agent to perform such service; and such shall issue in the name of the people of the United States as to the relation of the commissioners appointed under the provisions of this Act; that the failure to comply with its requirement shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court in the United States, by writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several states and territories of the United States, between the United States and the adjacent foreign countries, or between ports of transshipment and of entry, and the several states and territories of the United States, as mentioned in the first paragraph of this Act until such common carriers shall have complied with the aforesaid provisions of this section of the Act.

Under these provisions of the Act, the Interstate Commerce Commission held that the requirement as to posting tariffs in two places was mandatory and that the Commission had no power to modify the requirements of the Act.[2]

In speaking of this requirement in connection with Rea v. R. R. Co., Commissioner Prouty said: "The Commission has no power, if it were so disposed, to vary the requirements of the Act in this respect."

In connection with the foregoing, it was a fact well known to shippers as well as to the Commission that the almost universal practice of the carriers in compliance with the provisions of Section 6 was to file with the agents at their freight stations, copies of the tariffs and to post two notices in such stations stating that the

[2] Rea v. R. R. Co., 7 I. C. C. 43; Johnson v. R. R. Co., 9 I. C. C. 221; Paxton Tie Co., v. R. R. Co., 10 I. C. C. 427.

tariffs were on file with the station or freight agent and could be seen on application. Although the Commission expressed its opinion that such practice was not in strict compliance with the terms of the Act, yet no effort was made by any shipper to enforce any other method of posting by mandamus or injunction as provided in the last section of Section 6 quoted above, as that section stood prior to its amendment by the Hepburn Bill.

The reason for such non-action lay in two facts of general recognition: (1) that the provision as to posting two copies of a tariff in a freight station was a needless burden upon the carrier, as practical experience had demonstrated the impossibility of preventing the almost immediate destruction of the tariffs as they were posted from time to time; and (2) the absence of any compensating advantage to the public by having the tariff out of the custody of the agent, as shippers or consignees rarely, if ever, looked at them. Hence, there was accordingly no injury to the public by retaining them in the custody of the station agent rather than posting them in two conspicuous places in waiting rooms, etc.

An examination of the sixth section of the Interstate Commerce Law, as it stands today, will develop that the Hepburn Bill made no change in the provisions that two copies of each tariff must be posted in two conspicuous places in every depot, station, or office of the carrier where passengers or freight are received for transportation. Furthermore, the second paragraph of Section 6 with respect to the publication of tariffs covering shipments between points in the United States, but which in course of transit pass through a foreign country, was re-enacted without change, but the Hepburn Act failed to re-enact that portion of the fifth paragraph of Section 6 quoted above, vesting the Commission with jurisdiction to provide the measure of publicity and mode of publication to be given joint rates and substituted the following

which was made applicable to all tariffs whether joint or several:

> That the Commission may in its discretion and for good cause shown, allow changes upon less than notice herein specified, or modify the requirements of this section, in respect to publishing, *posting and filing of tariffs,* either in particular instances or by a general order applicable to special or particular circumstances or conditions.

The Hepburn Bill also failed to re-enact the last paragraph of Section 6 of the original Act, providing for the enforcement of the requirements of posting by writ of mandamus and injunction.

Based on the authority vested in it by the sixth section of the Act to Regulate Commerce, as amended by the Hepburn Law, the Commission, by order dated June 10, 1907, indicated to the common carriers that it would seem to be necessary to post in two public and conspicuous places at the larger stations, tariffs as follows:

(1) Copies of every tariff applying *from* that station to any point.

(2) Copies of all tariffs issued by any carrier *to* that station from any point.

(3) Copies of every tariff issued by the carrier on whose lines the station is located, from or to every other point on the lines of such carrier.

Based on their experience, the carriers felt that this interpretation of Section 6 by the Commission was not logical or for the best interests of the commercial public or the railroads themselves; and they therefore petitioned the Interstate Commerce Commission (based on a suggestion received from that body), that the order of June 10, 1907, be temporarily suspended and that the question of posting tariffs be set for a general hearing, which was finally held in October, 1907. As one of the arguments in favor of temporary suspension, the petitioners stated that posting or filing by carrier at all

of its stations, all tariffs which it published or in which it concurred, would serve no useful purpose; that the printing, distributing, and posting of all tariffs in the manner indicated by the Commission, would be enormously expensive; that it would result in confusion and disorder in the conduct of their business in many ways, and particularly that it would render it practically impossible to make such lawful changes in their rates, practices, and charges as were required by constantly changing business conditions. In short, the petitioners believed that it was utterly impossible for them to comply with this section of the Act as interpreted by the Commission.

At the hearing, the following objections, from a traffic standpoint, were developed and made a matter of record:

(1) As to posting at a station in two public and conspicuous places, copies of tariffs containing rates from that station, the objection to the maintenance of two sets of tariffs for the public, which would mean another or a third set for the agent, when the object to be attained would be fully accomplished by the maintenance of one set of tariffs at a point accessible to and open to the inspection of the public, but under the protection of the agent. Experience in the past has demonstrated conclusively that a set of tariffs open to the public and not under the immediate protection of the agent, will be mutilated or depleted by careless or malicious persons and it would be impossible, without constant supervision, to maintain its accuracy. Moreover, it would not be likely that two sets of tariffs would be in use at the same time, so that all information would be furnished by one set, the public being advised by notices in a requisite number of places where such set was located.

(2) The posting at destination of all tariffs applying thereto would necessitate posting at each station, on the

lines of all carriers, every tariff, no matter where or by whom published, or from what territory applicable, which contained rates to such stations or destinations. If this is required, it of course means that the publications must be in the hands of agents at destination, thirty days in advance of the effective dates of tariffs; and as the failure to post at destination thirty days in advance of effective date might be considered as rendering the carrier liable for penalties, regardless of the fact that the tariffs had been duly filed with the Commission and posted at the lawful time at the points of *shipment,* the far-reaching effect of such a requirement is of grave concern, not only to the carriers but also to the shippers. The carriers are very strongly of the opinion that the law does not require the posting of tariffs at points of *destination* and further believe that such a requirement is not demanded by the public and is therefore unnecessary. To post a tariff at points of destination would, of necessity, call for a long advance notice of changes in rates as it would be difficult, if not impossible, to reach all destinations with tariffs in less than sixty days, which would mean that rates could not be changed or established in less than that time. This fact in itself, in the opinion of the carriers, conflicts with the law, which permits rates to be changed or established on thirty days' notice. To extend the time in which rates may be changed will, in many instances, be against the best interests of both the carriers and the public.

As previously stated, to post tariffs at point of destination would of necessity require the posting of every tariff at each station on the line of every carrier, no matter where or by whom published nor from what territory containing rates applicable to such stations, and this is a practical impossibility because no carrier could be certain that every tariff and supplement published

by the numerous other roads containing rates to station, has been furnished to it by the issuing carrie- An incomplete tariff at any point is unreliable an therefore worse perhaps than no file at all. It is hardly necessary to add that such a system of posting tariffs would very necessarily include those now at stations with a consequent enormous additional expense for printing, distributing, and posting, which expense is not justified by the small demand on the part of consignees for rates to their stations. Moreover, the result would be to curtail instead of extend the making and publication of through rates, as in many instances the receipts from the traffic would not be commensurate with the cost of printing, distributing, and posting such tariffs.

(3) The requirement of posting at every station all tariffs issued by the railroad on which the station is located, and including therein tariffs to and from every other station on such railroad, is open to the practical objection to the tremendous increase in the number of tariffs to be printed and posted, the consequent complication of the tariff file, the large increase in station clerical force, the large increase in the cost of printing and distribution, all of which it is submitted would be an economic waste without any public benefit.

The foregoing explanation has been given in order that a clear understanding may be had as to the conditions which resulted in an order issued by the Interstate Commerce Commission on October 12, 1915, the full text of which will be found on pages 150 to 153, inclusive.

The main features of this order which must be complied with by the carriers are as follows:

(1) All carriers must maintain at each station a complete file of all tariffs containing rates applying *from* that station including those issued for that carrier by its authorized agents, together with all tariffs which provide for terminal or other charges applicable *at* that

station, and such tariffs must be posted so as to allow the lapse of full statutory notice or such notice as may be given in orders of the Interstate Commerce Commission before said tariff becomes effective.

(2) The agent or other representative of carrier at each station must be provided with facilities for keeping such file of tariffs in ready reference order and be required to maintain such file in complete and readily accessible form.

(3) This representative shall also be instructed and required to give any information contained in such schedules which is desired by the public.

(4) At each station must be kept on file an index of current I. C. C. issues of such carrier, such index to contain other information, which will be dealt with in Chapter X.

(5) The carrier is required to keep posted in two conspicuous places in every station, waiting room, warehouse, or office, at which schedules are placed in the custody of agent or the representative, notices printed in large type, the text of which will be found in the order referred to above, and which state the point at which a complete file of the company's tariffs is maintained.

The main concessions granted the railroad companies by this order are as follows:

(1) They are only required to post at their stations those tariffs which name rates *from* such stations and those which contain terminal or other charges applicable *at* such stations.

(2) The carriers are not required to post at their stations, tariffs naming inbound rates, but complete files of such tariffs must be maintained at points specified in the order.

In various orders in connection with the posting of tariffs at stations, the Commission has called attention to the fact that no uniform or adequate plan has been adopted and followed by the carriers under which the date upon which a given tariff or supplement to a given tariff is received for posting at a station at which posting is required.

It is the general opinion that the Commission feels that the carriers in some instances have not been fully complying with the regulations as to posting tariffs at stations so as to give full statutory notice or such notice as is prescribed in their various orders or permissions.

So far as concerns tariffs which are published by individual roads, it is believed the Commission's rule has been fully complied with in all cases, because when the tariffs are published by the roads themselves they can be mailed and placed in their agents' hands in most cases as quickly as they can reach the Interstate Commerce Commission. As regards agency tariffs, however, the situation is not the same, because before the tariffs reach the agents at stations where they must be posted they must be forwarded by the issuing agent to the tariff-issuing offices of the various roads and by them stamped or otherwise authorized for the use of their agents. They must be distributed to the agents themselves.

It is believed this class of tariffs is the one which the Commission had particularly in mind, and in order to overcome any further difficulty, tariff-issuing agents have been generally instructed to allow in addition to the statutory notice required or the notice provided in orders or special permissions of the Interstate Commerce Commission, a further period of twenty days between the issuing and effective dates so that ample time may be allowed to insure posting of tariffs at stations for the period required before they become effective.

The Commission in its order provides that certain records must be kept at every posting station, and that the date of receipt by the agent must be stamped on every tariff and supplement which is required to be posted. The necessary record forms have been furnished agents, and in Central Freight Association Territory all tariffs or supplements are to be provided with a blank space in which the date of receipt is to be stamped by the receiving agent.

Sample of title-page on page 11 shows clearly how this provision is taken care of.

(a) *Posting Tariffs at Central Posting Stations.*

In connection with the relief granted the carriers as to the posting of inbound tariffs at the stations to which such tariffs name rates, it is required that all *inbound* tariffs and tariffs in which roads are intermediate carriers only, must be posted at the central posting stations specified in order dated October 12, 1915. This posting must be done so as to allow the elapse of full statutory notice, or such notice as may be required in orders of the Interstate Commerce Commission, before tariffs become effective.

Some misunderstanding has existed as to this feature, but the following quotation from a letter written by Mr. G. B. McGinty, clearly sets forth the attitude of the Interstate Commerce Commission with respect thereto:

> The Commission's order with regard to posting tariffs at central posting stations requires that all freight tariffs in which the carriers are shown as originating, delivering or participating carriers be filed and posted in the same manner as tariffs at points from which the traffic moves.
>
> It is therefore necessary that the same notice be given with regard to tariffs posted at the central posting stations as with regard to tariffs posted at stations from which the traffic moves.

CHAPTER X

INDICES OF FREIGHT TARIFFS

In connection with the relief granted carriers as to the posting of tariffs naming rates from stations on foreign lines to those on their own road by order dated June 2, 1908, in the matter of posting tariffs at stations, a rule was established that each carrier shall publish under proper I. C. C. number, post, and file a complete index of tariffs which are in effect and to which it is a party either as an initial line or delivering line, which index must be posted at *every station* of the issuing carrier.[1]

The rule itself is very clear as to the data which is to be included in these indices. At the same time, it seems advisable to give, by caption, the arrangement which is most generally employed by the different carriers.

Section 1.—Showing list of freight tariffs, basing books and classifications, applicable from or at stations of the issuing carrier; also list of stations at which such tariffs are on file. In connection with the latter feature, it must be pointed out that the order of June 2, 1908, provides that each carrier shall provide, either in its indices of tariffs or in a separate publication which must be kept up to date and given I. C. C. number and filed with the Commission, an index or indices of tariffs that are to be found in the files at each of the several stations or offices. To maintain a separate index for each station, correcting same periodically and filing

[1] Rule 11, Tariff Circular No. 18-A.

with the Interstate Commerce Commission would entail an enormous amount of work and considerable expense. Hence, it has been decided advisable by all carriers to show in Section 1 of their general indices, the stations at which each tariff is posted. This is accomplished by assigning each station a number, and in columns with appropriate headings are shown these numbers. Suppose a road has 208 stations. If a tariff is posted at all of these stations, in the special column would be shown 1 to 208. If, however, tariff applied only from individual stations and therefore required posting only at such stations, the actual numbers of these stations would be shown in the column.

As observed from Rule 11, the following general captions are used in Section 1 of Tariff indices:

(1) Commodity tariffs (specific).
(2) Commodity tariffs (general).
(3) Class and commodity tariffs.
(4) Class tariffs.
(5) Miscellaneous tariffs.

Under the head of "Miscellaneous Tariffs" are included those tariffs which provide application for rates, bases for rates, classification, exceptions to classification, special privilege tariffs, and others of the same character. In Exhibit 1 on page 134 is a caption showing the order in which the various kinds of information required, is shown in Section 1.

Section 2.—List of freight tariffs, basing books, classifications, and other publications in which the road issuing the indices is shown as an intermediate or delivering carrier.

In this section are enumerated all of the tariffs in which the issuing carrier is shown as a participant under concurrence or power of attorney, and the tariffs of each foreign road are arranged together under caption of the issuing road.

An extract from an index, which will show just how the data in this section is arranged, will be found on page 135, Exhibit 3.

For the benefit of agents in locating rates, it is customary in this section to show whether their own road is shown in the tariffs of the connecting lines which are listed as an intermediate carrier or as a terminal carrier. This is easily worked out by the use of reference marks shown opposite the I. C. C. number and explanation thereof made at the foot of the page.

Section 3.—This section shows the following information:

(1) Numerical list of I. C. C. numbers of issuing road.
(2) Numerical list of state and Canadian Commission numbers of issuing road.
(3) In each case, a numerical list of the issuing roads' individual numbers attaching to the I. C. C., state, and Canadian numbers, in case individual numbers are used by it.

In addition to this information, it has been found advisable to carry an index showing by index number where in Section 1 full description of the tariff will be found. It should be borne in mind that in each instance the key to this table is the I. C. C., state, or Canadian Commission numbers, which are arranged in consecutive order, and when individual road numbers are used by such roads these numbers appear for the information of the particular roads' representatives and are not apt to be in numerical order.

Section 4.—Numerical list of the issuing road's freight tariff numbers. In this section, we have a consecutive arrangement of the individual road's numbers which it assigns to tariffs applying from its points and at its stations. The index feature is also used in this section

and the I. C. C. numbers covering each individual road number are shown.

It is also customary to show after each of these tariff numbers, the number of the last supplement issued. Sample of the box heading used is given in Exhibit 2 on page 134.

Section 5.—Alphabetical list of lines shown as participating carriers in tariffs published by the issuing road. This section is entirely optional with the carrier but has been adopted quite generally by all roads because it gives concurring carriers an opportunity to check up their files and determine whether or not they have all issues in which they are shown as participants.

In this list, it is usual for the issuing carrier to use its own individual numbers when such numbering scheme is followed. Of course, when individual numbers are not used, the I. C. C. numbers must be employed or, when the tariff contains strictly state rates and is not filed with the Interstate Commerce Commission, the state number is used.

EXHIBIT 1

BOX HEADING SHOWING VARIOUS INFORMATION SHOWN IN SECTION 1 OF AN INDEX OF FREIGHT TARIFFS

I. C. C. No.	C.R.C. No.	I.R.C. No.	R.C.O. No.	Index No.	L.E.&W. Freight Tariff No.	ISSUED BY	APPLYING ON	From Stations Indicated by Nos. (See Page 3).	TO	Stations at which Tariffs are posted indicated by Nos.

EXHIBIT 2

BOX HEADING ARRANGEMENT OF DATA IN SECTION 4 OF AN INDEX OF FREIGHT TARIFFS

New Freight Tariff No.	Index No.	I.C.C. No.	Last Sup. No.	Old Freight Tariff No.	New Freight Tariff No.	Index No.	I.C.C. No.	Last Sup. No.	Old Freight Tariff No.	New Freight Tariff No.	Index No.	I.C.C. No.	Last Sup. No.	Old Freight Tariff No.

In connection with Exhibit 2, the road issuing the index from which the box heading was taken, in inaugurating a filing system at stations, found it necessary to change the numbers on every one of its tariffs; hence, the columns reading "Old Freight Tariff No"

I. C. C. No.	I. R. C. No.	R. C. O. No.	L. E. & W. G. F. D. No.	APPLYING ON	FROM	TO
				AKRON, CANTON & YOUNGSTOWN RY.		
(t) 10	.....	11	227	Brick, Clay, Etc.	Akron, Brittain, Colona and Magadore, Ohio.	Ill., Ind., Ohio, Etc.
(t) 12	.....	13	226	Classes	Ohio Pts.	Ill., Ind., Ohio, Etc
				ALABAMA GREAT SOUTHERN R. R. (See Queen & Crescent Route).		
				ALABAMA & VICKSBURG RY. (See N. O. & N. E. R. R.)		
				ANDERSON, FRANK.		
(t) 10	.....	.....	62001-A	Lumber and Forest Products	Memphis, Tenn. (From beyond).	Ill., Ind., Ohio, Seaboard, Northwest, Etc.
(t) 9	.....	.....	62003-B	Lumber and Forest Products	Memphis, Tenn., Helena and W. Helena, Ark., and L. and & N. Tenn. Pts.	Ill., Ind., Ohio, Seaboard Northwest, Etc.
(t) 12	.....	.....	62004-A	Classes and Commodities	Memphis, Tenn.	Ill., Ind., Ohio, Northwest, Etc.
(t) 11	.....	.....	62002-B	Classes and Commodities	Memphis, Tenn.	Seaboard and Virginia Pts.
				ANN ARBOR R. R. AND STEAMSHIP LINES.		
(t) A439	.....	.....	119-D	Acetone, Acid (Acetic), Wood Alcohol, Etc.	Manistique, Mich.	Ind., Mich., N. Y., Ohio, Pa.
(t) A444	.....	.....	118-C	Fruits and Vegetables; vis.: Potatoes	M. & N. E. Ry.	Ill., Ind., Ohio, Etc.
(t) A395	.....	A127	122	Furniture	Ann Arbor R. R. Pts.	Ill., Mich. and Wis. Pts.
(t) 665	.....	.....	17618	Grain and Grain Products	Milwaukee, Kewaunee, Manitowoc, Wis., and Manistique, Mich.	Ind., Ohio, Pa., Etc.
(t) A214	.....	.....	108-B	Grain and Grain Products	Manitowoc and Kewaunee, Wis., and Manistique, Mich.	Ind., Ohio, Etc.

(t)—Indicates the L. E. & W. R. R., F. W. C. & L. R. R. and Nor. Ohio Ry. are delivering as well as intermediate carriers.

CHAPTER XI

DIGEST OF STATE POSTING AND FILING REGULATIONS

In connection with state regulations dealing with the construction, posting, and filing of tariffs containing state rates, the following data recently compiled will be of considerable interest.

ALABAMA

Freight tariffs on intrastate traffic must be submitted for approval, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

ARIZONA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "A. C. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

ARKANSAS

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The Arkansas Commission prescribes rates, rules, practices, etc., on Arkansas state business.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 10 days prior to effective date.

CALIFORNIA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "C. R. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Canada

Freight tariffs on traffic to or from United States must be filed upon statutory notice of 30 days for advance in rates and 3 days for new rates and reductions.

The official tariff number is "C. R. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date (except on new rates and reductions, which is 3 days).

Colorado

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "Col. P. U. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Connecticut

This subject is not covered by orders of the Connecticut Commission.

Delaware

This state has no railroad commission.

District of Columbia

See Interstate Commerce Commission Rulings.

Florida

Commissioners fix rates on intrastate traffic and give notice in newspaper before change is made.

No official tariff number is required.

Freight tariffs must be posted at stations at which tariffs are filed.

Georgia

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days for advance in rates and 3 days for new rates and reductions.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date (except on new rates and reductions, which is 3 days).

Idaho

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. U. C. I. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Illinois

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "I. P. U. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Indiana

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days for advance in rates and 2 days for new rates and reductions.

The official tariff number is "I. R. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 10 days for advance in rates and 2 days for new rates and reductions.

Interstate Commerce Commission

Freight tariffs on interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "I. C. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Iowa

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal, except that reduction in rates may be made without previous public notice.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Kansas

Freight tariffs on state and interstate traffic must be filed with the Public Utilities Commission of Kansas.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed.

Kentucky

This state does not require the filing of freight tariffs.

Louisiana

Commission fixes rates on intrastate traffic.
No official tariff number is required.
All tariffs must be posted at stations at which tariffs are filed.

Maine

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.
No official tariff number is required.
All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Maryland

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.
The official tariff number is "P. S. C. Md. No. ——."
All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Massachusetts

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.
No official tariff number is required.
All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Michigan

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.
The official tariff number is "M. R. C. No. ——."
All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Minnesota

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days (no rate changes without the consent of the Commission), accompanied by letter of transmittal.
The official tariff number is "M. R. C. No. ——."
All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Mississippi

Freight tariffs on intrastate traffic must be filed with the Mississippi Railroad Commission.

No official tariff number is required.

The matter of posting tariffs at station of carriers is not required.

Missouri

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. Mo. No. ——."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Montana

Freight tariffs on intrastate traffic must be filed upon statutory notice of 20 days (no rate changes without the consent of the Commission), accompanied by letter of transmittal.

The official tariff number is "Montana R. C. No. ——."

It is not necessary to post tariffs at stations at which tariffs are filed.

Nebraska

Freight tariffs on intrastate traffic must be filed upon statutory notice of 20 days, accompanied by letter of transmittal.

The Nebraska Commission fixes maximum rates, etc.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 20 days prior to effective date.

Nevada

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 10 days prior to effective date.

New Hampshire

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "N. H. P. S. C. No. ——."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

New Jersey

This state does not require the filing of freight tariffs.

New Mexico

Freight tariffs on intrastate traffic must be filed with the State Corporation Commission of New Mexico upon statutory notice of 30 days and must be accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations 30 days prior to effective date.

New York

(First District)

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. 1—N. Y. No. ——."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

New York

(Second District)

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. 2—N. Y. No. ——."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

North Carolina

The State of North Carolina Corporation Commission prescribes rates applicable on freight traffic between points wholly within the State of North Carolina. It is not necessary to file tariffs with that body.

North Dakota

Freight tariffs on intrastate and interstate traffic must be submitted for approval, accompanied by letter of transmittal.

The official tariff number is "N. D. R. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Ohio

Freight tariffs on intrastate (also interstate from Ohio points) must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The official tariff number is "Ohio."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Oklahoma

As the Corporation Commission of Oklahoma prescribes rates applicable on freight traffic between points wholly within the State of Oklahoma, it is not necessary to file tariffs with that body.

Oregon

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The official tariff number is "O. R. C. No. ——."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Pennsylvania

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. Pa."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Rhode Island

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

South Carolina

The South Carolina Corporation Commission prescribes rates applicable on freight traffic between points wholly within the State of South Carolina. Hence, it is not necessary to file tariffs with that body.

South Dakota

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Tennessee

The Tennessee Railroad Commission does not require the filing of tariffs.

Texas

All rates applicable on Texas intrastate traffic must be either prescribed or approved by the Railroad Commission of Texas. Hence, all tariffs embodying such rates must be filed with that commission effective 20 days after issuance or on date designated by the Texas Commission.

No official tariff number is required.

The Texas statute also requires posting of tariffs at stations.

Utah

This state has no railway commission.

Vermont

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Virginia

Freight tariffs on intrastate traffic must be submitted for approval accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

Washington

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "W.P.S.C. No.—."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

West Virginia

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P.S.C.W.Va."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Wisconsin

Freight tariffs on intrastate and interstate traffic must be submitted for approval, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

Wyoming

This subject is not covered by orders of the Wyoming Commission.

TEST QUESTIONS

These questions are for the student to use in testing his knowledge of the assignment. The answers should be written out, but are not to be sent to the University.

1. What were the conditions with respect to classifications prior to the passage of the Act to Regulate Commerce?

2. What were the conditions with respect to uniformity and observance of publications?

3. What were the prescriptions in the Act to Regulate Commerce, with respect to this phase of transportation, as it was originally enacted?

4. In what respect was the original act found to be defective?

5. What is the substance of Section 6 of The Act to Regulate Commerce as it now stands?

6. What is the current issue of the Commission's regulation with respect to the construction of freight rate publications?

7. What processes are prohibited from being employed in the publication of tariffs?

8. What is the size requirement of the Commission and is there any deviation from this rule?

9. What is the title-page of a tariff?

10. What purpose does the Interstate Commerce Commission (I.C.C.) number, appearing on the title-page of a tariff, serve?

11. What advantage is obtained through having each new issue state the preceding issues it cancels?

12. How many supplements may a tariff of ninety-three pages have?

13. What objection can be raised to the proposition to require the carriers to use a uniform number in filing their publications with the federal and state commissions?

14. Under what circumstances may the participating carriers be shown on the title-page of the tariff?

15. What is meant by the "character" of the tariff?

16. Why may not the territorial application, indicated on the title-page of a tariff, be taken as conclusive evidence of the contents of the publication?

17. What advantage is gained by stating the classification governing various tariffs?

18. Define the term "statutory notice."

19. In the event that a rate is to be withdrawn as soon as a shipment is made, how can the cancellation of this issue be effected?

20. In view of the uncertainty of the closing of navigation on the Great Lakes, how can the suspension of these rates be made effective without difficulty?

21. Why is it undesirable to publish specific commodity rates to all points in a given territory?

22. What is the intent of Rule 77?

23. What purpose is served by having the issuing agent's, or officer's, name appear on the title-page of publications?

24. Outline the general arrangement of the body of tariffs.

25. What distinction is to be drawn as to the differentiation of the terms "issuing carriers" and "participating carriers"?

26. In a publication naming miscellaneous commodity rates, the index to the commodities did not disclose one of the articles on which a rate was named. Would the rate be lawfully used? If not, under what authority?

27. What is the objection to the use of such general terms as "merchandise," "packing-house products," "forest products," etc.?

28. Why may the absence of a specific point of origin from the list of such in the tariff not be conclusive evidence that the tariff does not apply from that point?

29. What are territorial directories?

30. What distinction is to be drawn between reference marks on the one hand and technical abbreviations on the other?

31. What is the substance of Rule 4(f)?

32. What are "conjunctive issues"?

33. What units are employed in connection with the application of rates?

34. Must specific routing instructions be incorporated in all tariffs?

35. What is the distinction between an "amendment" and a "supplement"?

36. Do the requirements with respect to the title-page of supplements differ from the requirements for the title-page of tariffs?

37. Is there any differentiation as to the arrangement of the table of contents?

38. How must supplements be numbered?

39. Enumerate some of the conditions under which special supplements may be issued.

40. Must a supplement contain a list of participating carriers in the same form as the original tariff?

41. When may an index to a supplement be dispensed with?

42. How must cancellation of an item in the original tariff be effected in a supplement?

43. To what extent may a tariff containing one hundred pages have supplemental matter?

44. What is the plan pursued in supplementing periodical and loose-leaf tariffs?

45. What is a suspension supplement?

46. In what respect does a bridge supplement differ from others?

47. What is an "adoption notice," and when issued?

48. How are advances and reductions in rates to be indicated?

49. Is the use of such ambiguous terms as "Southeastern Territory," "Texas Common Point Territory," etc., sanctioned?

50. Under what conditions may geographical terms be employed in indicating the application of a tariff?

51. In class rate tariffs, is it necessary to reproduce multiples and percentages of class rates?

52. Is it permissible for a carrier to have several tariffs applying on the same commodity?

53. May the rates authorized in one tariff be substituted for those named in another?

54. In the event that the Commission suspends proposed rates, what procedure must be followed with regard to supplementing

the publication, or publications, containing the advanced rates and rates heretofore in effect?

55. Is it permissible to make changes in tariffs and supplements which are under suspension?

56. When a tariff is canceled outright, and no other tariff is issued to take its place, how is the cancellation effected?

57. In the event that the rates contained in a tariff are transferred to two or more issues, how is the cancellation of the original issue effected?

58. Is it permissible for a carrier to cancel a tariff issued by its duly accredited agent?

59. Why is it desirable that the supplemental matter embodied in supplements be condensed as much as possible?

60. What evil was overcome by the Commission's requirements with respect to the issuance of concurrences and powers of attorney?

61. Enumerate the various forms and show how they differ.

62. What is the distinction between a power of attorney and a concurrence?

63. Under what circumstances may a concurrence or power of attorney be revoked?

64. How many copies of these documents are required and to whom are they distributed?

65. Under what circumstances is it permissible for a carrier to charge more for a shorter than for a longer haul, the shorter being entirely within the longer haul?

66. What is the substance of the Interstate Commerce Commission's special order No. 13?

67. What divisions may be employed in classifying freight schedules?

68. What divisions may be employed to freight rate tariffs?

69. Is it necessary that car service and demurrage charge tariffs be filed with the Commission?

70. Has the Interstate Commerce Commission prescribed regulations with respect to the publication and filing of switching and absorption tariffs?

71. What are special privilege tariffs?

72. How may trap, or ferry, cars be defined?

73. In the event that a shipper and a carrier agree upon a specified weight to be employed in assessing freight charges, must such agreement be filed with the Commission?

74. What is a guide book, or billing instruction?

75. What regulations are prescribed with respect to the issuance of station lists?

76. What is the difference between a sheet tariff and a book tariff?

77. Illustrate the practice of publishing combination of local rates as a through rate.

78. How is the cancellation of a loose-leaf tariff effected?

79. What advantage is to be gained from the publication of tariffs under the sectional plan?

80. In so far as a tariff-issuing agent is concerned, what advantage is obtained through the reissuance of the publications at specified intervals?

81. What is a letter of transmittal and when is it used?

82. What is the requirement of the Act to Regulate Commerce with respect to the filing or posting of freight rate schedules at the various stations?

83. What objection is there to a literal observance of these requirements?

84. How was the situation remedied?

85. What was the substance of the Commission's order of June 10, 1907? How was it modified by the order of June 2, 1908?

86. What is the procedure of tariff-issuing agents with respect to the allotment of time to comply with this order?

87. How do you distinguish between a specific commodity tariff and a general commodity tariff?

88. What is a tariff index and what arrangement is prescribed therefor?

89. How many supplements may be issued to a tariff index?

APPENDIX A

REQUIREMENTS AS TO POSTING TARIFFS AT AGENCY STATIONS

INTERSTATE COMMERCE COMMISSION

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 12th day of October, A. D. 1915.

IN THE MATTER OF MODIFICATION OF THE PROVISIONS OF SECTION SIX OF THE ACT WITH REGARD TO POSTING FREIGHT OR PASSENGER TARIFFS AT STATIONS.

Under the authority conferred upon the Commission by section 6 of the act, to modify its requirements as to publishing, posting, and filing of tariffs, the Commission issues the following order in connection with which it must be understood that each carrier has the option of availing itself of this modification of the requirements of section 6 of the act or of complying literally with the terms of the act. If such modification is accepted by a carrier it must be understood that misuse of the privileges therein extended will result in cancellation of the privileges as to that carrier. It should also be understood that in so modifying the requirements of the act, the Commission expects a continuation by carriers of the practice of furnishing tariffs to the public, without unjust discrimination.

Every carrier subject to the provisions of the act to regulate commerce which files freight or passenger tariffs shall place in the hands and custody of its agent or other representative at every station, warehouse, or office at which passengers or freight are received for transportation, and at which a station agent or a freight agent or a ticket agent is employed, all of the rate and fare schedules which contain rates and fares applying from that station, or terminal or other charges applicable at that station, including the schedules issued by that carrier or by its authorized agent and those in which it has concurred, excepting only publications showing the marked capacities, lengths, dimensions, and cubical capacities of cars, as required by the Commission's order of January 9, 1912. Such agent or representative shall also be provided with all changes in, cancellations of, additions to, and reissues of such publications in ample time to thus give to the public, in every case, the 30 days' notice required

by the act or such other notice as may be authorized by the Commission in special cases.

Each of such carriers shall require its agent or other representative at every station, warehouse, or office at which tariffs are required to be posted upon receipt of a tariff or supplement to a tariff for filing and posting at that station to immediately write or stamp upon the title-page of such publication the date upon which it was received by such agent or other representative and to keep and preserve a separate record, by I. C. C. numbers and supplement numbers, of the receipt of each tariff or supplement to a tariff showing the date received and the date posted.

Such agent or representative shall be provided with facilities for keeping such file of schedules in ready reference order and be required to keep said files in complete and readily accessible form. He shall also be instructed and required to give any information contained in such schedules, to lend assistance to seekers for information therefrom, and to accord inquirers opportunity to examine any of said schedules without requiring or requesting the inquirer to assign any reason for such desire and with all the promptness possible and consistent with proper performance of the other duties devolving upon him.

Each of such carriers shall also provide and each of such agents or representatives shall also keep on file copies of the current I. C. C. issues of the indices of the tariffs of that carrier.

Each of such carriers shall also provide, either in its indices of tariffs (provided for in Rules 11 and 39 of Commission's tariff regulations, Tariff Circular 18–A or reissues thereof) or in separate publications, which must be kept up to date, be given I. C. C. numbers, and be filed with the Commission, a list of the tariffs that are to be found in the files at each of its several stations or offices. If this information is included in the index of tariffs required by Tariff Circular 18–A, such index must also contain an alphabetical list of the stations. Such publications shall be kept on file and be open to inspection at each of such several stations or offices as hereinbefore provided. They must be of size 8 by 11 inches, be printed, and be arranged under a system of station numbers and alphabetical list of stations.

Each of such carriers shall require its traveling auditors to check up each station's or office's file of tariffs at least once in each six months unless it employs one or more traveling tariff inspectors who make such inspections and checks.

Each of such carriers whose lines reach any of the cities in the following list, either over its own rails or by trackage rights or by boat line or by ferry, shall provide and maintain at each of said cities so reached by it and at such additional points as may from time to time be designated by the Commission complete files of all the freight-tariff publications which it issues or is a

party to and all of the passenger-fare tariffs as to which it is an initial carrier and each of its excursion-fare tariffs which covers a period exceeding 30 days, together with the indices of same, as hereinbefore required:

Alabama, Montgomery.
Arkansas, Little Rock.
California, San Francisco, Los Angeles.
Colorado, Denver.
Connecticut, Hartford.
Florida, Jacksonville.
Georgia, Atlanta.
Illinois, Chicago, Springfield.
Indiana, Indianapolis.
Iowa, Des Moines.
Kansas, Wichita.
Louisiana, New Orleans.
Maine, Portland.
Maryland, Baltimore.
Massachusetts, Boston, Worcester.
Michigan, Detroit.
Minnesota, St. Paul, Minneapolis.
Mississippi, Jackson.
Missouri, St. Louis, Kansas City.
Montana, Helena.
Nebraska, Omaha.
New York, New York, Buffalo.
North Carolina, Charlotte,
Ohio, Cincinnati, Cleveland.
Oklahoma, Oklahoma City.
Oregon, Portland.
Pennsylvania, Philadelphia, Pittsburgh.
South Carolina, Columbia.
South Dakota, Sioux Falls.
Tennessee, Memphis, Chattanooga.
Texas, Fort Worth, Houston.
Utah, Salt Lake City.
Virginia, Richmond.
Washington, Seattle.
Wisconsin, Milwaukee.

except that The Atchison, Topeka & Santa Fe Railway Company be permitted to establish and maintain a public file of tariffs at Topeka, Kans., instead of Wichita, Kans.; that The Texas & Pacific Railway Company be permitted to establish and maintain a public file of tariffs at Dallas, Tex., instead of Fort Worth, Tex.; and that the Gulf, Colorado & Santa Fe Railway Company be permitted to establish and maintain a public file of tariffs at Galveston, Tex., instead of Houston, Tex.

Each of such files shall be in charge of an employee of the carrier who will give information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

Each of such carriers whose lines do not so reach any of the above-named cities shall also provide at least one point on its line a complete file of the tariffs which it issues or is a party to,

together with indices of same as hereinbefore required: *Provided*, That the South Manchester Railroad Company be authorized to establish and maintain a complete public file of tariffs at Hartford, Conn.; the Wood River Branch Railroad Company be authorized to establish and maintain a complete public file of tariffs at Boston, Mass.; and the Pittsburgh, Chartiers & Youghiogheny Railway Company be authorized to establish and maintain a complete public file of tariffs at Pittsburgh, Pa., instead of at any point on the lines of these carriers: *Provided further*, That, if a subsidiary or small connecting line has authorized the parent company, or principal connecting line, to publish and file for it all of its tariffs, tariffs so issued and filed on its behalf will be included in the complete public tariff files of the parent or issuing line, and it will not be necessary for such subsidiary or small line to maintain an additional complete public file.

Each of such files shall be in charge of an employee of the carrier, who will give desired information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

Each of such carriers shall also provide and cause to be posted and kept posted in two conspicuous places in every station waiting room, warehouse, or office at which schedules are so placed in custody of agent or other representatives notices printed in large type and reading as follows:

(A) Complete public file (or files) of this company's tariffs is (are) located at ———, in the city of ——— (or the cities of ——— and ———). The rate and fare schedules applying from or at this station and indices of this company's tariffs are on file in this office, and may be inspected by any person upon application and without the assignment of any reason for such desire.

The agent or other employee on duty in the office will lend any assistance desired in securing information from or in interpreting such schedules.

At exclusive freight stations or warehouses and at exclusive passenger stations or offices carriers may, under this order, place and keep on file only the freight or passenger schedules, respectively, and in such cases the posted notices may be varied to read:

The freight rate (or passenger fare) schedules applying from or at (or from) this station and index of this company's freight (or passenger) tariffs are on file in this office, etc.

This order is effective December 1, 1915, and cancels order of June 2, 1908, and orders subsequently entered modifying, amending, or supplementing same.

By the Commission.

[SEAL.] GEORGE B. MCGINTY,
Secretary.

APPENDIX B

REQUIREMENTS AS TO THE OBSERVANCE OF THE LONG-AND-SHORT-HAUL CLAUSE

FOURTH SECTION ORDER No. 3700. GENERAL No. 13.

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 3d day of February, A. D. 1914.

EDGAR E. CLARK,
JUDSON C. CLEMENTS,
JAMES S. HARLAN,
CHARLES C. MCCHORD,
BALTHASAR H. MEYER, } Commissioners.

IN THE MATTER OF PERMITTING ORDINARY CHANGES IN RATES PENDING ACTION UPON APPLICATIONS FOR RELIEF FROM THE PROVISIONS OF THE FOURTH SECTION OF THE ACT TO REGULATE COMMERCE AS AMENDED JUNE 18, 1910.

The Commission being of the opinion that the convenience of the carriers, the public, and the Commission will be better served by assembling in one general fourth section order, divided into numbered sections for convenient tariff reference, the general fourth section orders known as Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, and experience having suggested certain modifications in the descriptions of conditions under which relief has been afforded by these orders, and certain additional situations as to which carriers may be relieved from the operation of said section, therefore,

It is ordered, That Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section

Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, be, and the same are hereby, vacated and set aside as of March 15, 1914.

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It is further ordered, That effective March 15, 1914, as to and confined in all cases to rates and fares which are included in and covered by applications for relief from the provisions of the fourth section of the Act to Regulate Commerce that were filed with the Commission on or before February 17, 1911, and until the applications including and covering such rates or fares have been passed on by the Commission, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, such changes in rates and fares as occur in the ordinary course of their business, continuing higher rates or fares at intermediate points, and through rates or fares higher than the combinations of intermediate rates or fares, provided that in so doing the discrimination against intermediate points is not thereby increased.

It is further ordered, That as to and confined in all cases to rates which are included in and covered by applications as above described, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, changes in rates under the following conditions, *although the discrimination* against intermediate points *is thereby increased*:

SEC. 1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates.

SEC. 2. Where a through rate has been, or is hereafter, reduced under the authority of Section 1 of this order, carriers maintaining through rates via other routes between the same points may meet the rate so made by the route initiating the reduction.

SEC. 3. Where a reduction is made in the rate between two points under the authority of Section 1 of this order, such reduction may extend to all points in the group which take the same rates as does the point from or to which the rate has been reduced.

SEC. 4. Where through rates are in effect which exceed the lowest combination of rates lawfully published and filed with the Commission, carriers may correct said through rates by reducing the same to equal such lowest combination.

SEC. 5. A longer line or route may reduce the rates in effect between the same points or groups of points to meet the rates of a shorter line or route when the present rates via either line do not conform to the fourth section of the Act, under the following circumstances:

(*a*) Where the longer line is meeting a reduction in rates initiated by the shorter line.

(*b*) Where the longer line has not at any time heretofore met the rates of the shorter line.

SEC. 6. A newly constructed line publishing rates from and to its junction points under the authority contained in paragraph (*b*) of Section 5, may establish from and to its local stations rates in harmony with those established from and to junction points.

SEC. 7. Carriers whose rates between certain points do not conform to the fourth section of the Act, which rates have been made lower than rates at intermediate points to meet the competition of water or rail-and-water carriers between the same points, may make such further reductions in rates as may be required to continue to effectively meet the competition of rail-and-water or all-water lines.

SEC. 8. Where rates are in effect from or to a point that are lower than rates effective from or to intermediate points, carriers may extend the application of such rates to, or establish rates made with relation thereto at, points on the same line adjacent or in close proximity thereto, provided that no higher rates are maintained from and to points intermediate to the former point and the new point to which the application of the same or relative rates has been extended.

SEC. 9. Where there is a rate on a commodity from or to one or more points in an established group of points from and to which rates are ordinarily the same, but the rate on the said commodity does not apply at all points in the said group, such rate may be made applicable to or from all of such other points.

SEC. 10. Where there is a definite and fixed relation between the rates from and to adjacent or contiguous groups of points, and the rates to or from one of said groups are changed, corresponding changes may be made in the rates of the other groups to preserve such relation.

SEC. 11. In cases where no through rates are in effect via the various routes or gateways between two points, and the combination of lawfully published and filed rates via one gateway makes less than the combination via the other gateways, a through rate may be established on the basis of the combination via the gateway over which the lowest combination can be made, and made applicable via all gateways.

SEC. 12. In cases where through rates are in effect between two points, via one or more routes or gateways, which are higher than the combination of lawfully published and filed rates via one of these gateways, different carload minima being used on opposite sides of the gateway, a through rate may be established equal to the lowest combination of lawfully published and filed

rates, using the higher of the carload minima but continuing the present higher through rate if based upon a lower carload minimum.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to complaint, investigation, and correction if in conflict with any provision of the Act.

And it is further ordered, That when the Commission passes upon any application for relief from the provisions of the fourth section with respect to the rates referred to herein, the order issued with relation thereto will automatically cancel the authority herein granted as to the rates covered and affected by such order.

By the Commission.

[SEAL.] GEORGE B. MCGINTY,
Secretary.

APPENDIX C

CHANGES IN RATES WHEN ADVANCES THEREIN HAVE BEEN SUSPENDED

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 14th day of June, A. D. 1915.

It appearing, That after the Commission has suspended the operation of a schedule and deferred the use of a new rate, fare, charge, classification, regulation, or practice stated therein, thereby continuing in force, temporarily, the rate, fare, charge, or other tariff provision in effect at the time, tariff-issuing officers of carriers have not infrequently filed other and different schedules stating new rates, fares, charges, or other tariff provisions which are changes in those so temporarily continued in force and effect;

It appearing, From numerous instances which have come to notice in the experience of the Commission or have been brought to its attention by informal complaints, that the spirit of the law and of the Commission's order of suspension is evaded by such action, and troublesome complications are thereby created;

It is ordered, That when the Commission has suspended a schedule and deferred the use of a rate, fare, charge, classification, regulation, or practice stated therein, the rate, fare, or charge thereby continued in effect shall not be increased, and the classification, regulation, or practice stated therein shall not be changed, by any subsequent schedule, until the suspension proceeding has been disposed of or the period of suspension, and of any extension thereof, has expired, unless such change is specifically authorized by special order of the Commission.

It is further ordered, That Rule 9k of the Commission's Tariff Circular No. 18-A be amended by inserting in the tenth paragraph thereof the substance of this order.

It is further ordered, That a copy of this order be served upon all carriers subject to the provisions of the Act to Regulate Commerce.

It is further ordered, That this order shall be in effect from and after July 15, 1915.

By the Commission:

[SEAL.]

GEORGE B. MCGINTY,
Secretary.

APPENDIX D

FORMS OF FOURTH SECTION APPLICATIONS

FOURTH SECTION ORDER NO. 383, AS AMENDED. GENERAL NO. 7.

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 28th day of March, A. D. 1916.

INFORMATION TO BE FURNISHED IN APPLICATIONS FOR RELIEF FROM THE PROVISIONS OF THE FOURTH SECTION OF THE ACT.

Many of the applications filed by the carriers, or their agents, for relief from the provisions of the fourth section of the act to regulate commerce, as amended June 18, 1910, have failed to show sufficient information concerning the circumstances and conditions justifying the relief prayed, and because of the absence of this data, which is necessary in passing upon applications more or less delay has resulted in the consideration and determination of the same by the Commission.

In order to facilitate the disposition of these applications it is the belief of the Commission that they should contain full and complete information concerning the grounds and facts upon which they are based.

It is therefore ordered:

First. That all applications shall show the names of the carriers for or on behalf of whom they are made, or if made on behalf of all carriers parties to a particular tariff, may refer by I. C. C. number to the said tariff.

Second. That in referring to rates or fares the I. C. C. numbers of the tariffs in which said rates or fares are published shall be shown. Third. That applications of longer lines or routes to meet the rates or fares of short lines, while maintaining higher rates or fares from, to, or between intermediate points, shall show the mileage and percentage of circuity via the lines or

routes of the petitioners and via the short line or lines whose rates or fares it is desired to meet; the names of the intermediate points at which the greatest excess will occur; the amount of such excess; the intermediate point nearest to the point of origin at which a rate is proposed which is higher than the rate to the farther distant point and the distance to such intermediate point; and shall be accompanied by eight copies of a diagram, sketch, or map showing the relative position of the various lines or routes; the points of origin and destination; and the intermediate points at which higher rates or fares are sought to be charged. If there are a number of points involved, located in different groups, zones, or territories, it will be sufficient, ordinarily, to show only the mileage between representative points in each group, zone, or territory, if such a showing will clearly indicate the comparative distances via the direct and the circuitous lines or routes.

Fourth. That applications to establish rates or fares by newly constructed lines, or via a line or route over which no arrangements for handling through traffic have heretofore been in effect, or if in effect have been discontinued, shall show the bases on which the proposed rates or fares are to be made, and if on the same basis as rates or fares of other carriers that may be operating between the points involved, shall also show the names of, the mileage and percentage of circuity via the various lines or routes; whether the rates or fares via the other lines or routes are in accordance with the provisions of the fourth section of the act to regulate commerce; the intermediate point on each line or route at which the greatest excess over the proposed rates or fares will occur, and the amount of the same; the point intermediate nearest to the point of origin at which a rate is proposed which is higher than the rate to the farther distant point, and the distance to such intermediate point; and shall be accompanied by eight copies of a diagram or map showing the relative position of the various lines or routes; the points of origin and destination; and the intermediate points at which the higher rates or fares are to be charged.

Fifth. That applications to establish rates on commodities from or to new points of production or consumption that are in close proximity to points from or to which rates on such commodities are in effect shall state whether the rates from or to the older points of production or consumption are in accord with the provisions of the fourth section; the relative position of the new and older point or points; and, if located on the same line and the rate from the older point is not in accord with the provisions of the fourth section, why the adjustment can not be effected under section 8 of Fourth Section Order No. 3700, General No. 13; and the basis upon which the proposed rates are to be made, whether the same as or upon differentials under or arbitraries

over the rates from or to the older points of production or consumption; and the amounts of the said differentials or arbitraries.

Sixth. That, in addition to the above, it being understood that the burden is on the carrier to set forth facts which show that relief from the rule of the fourth section should be granted, carriers shall recite fully in their applications all further information in connection with any facts that are presented as justifying the relief sought.

By the Commission.

[SEAL.] GEORGE B. MCGINTY,
Secretary.

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SUPPLEMENT NO. 4 TO TARIFF CIRCULAR NO. 18-A

SUPPLEMENTS NOS. 3 AND 4 INCLUDE ALL CHANGES TO DATE HEREOF

INTERSTATE COMMERCE COMMISSION

SUPPLEMENT

TO

REGULATIONS

TO GOVERN THE

CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS AND PASSENGER FARE SCHEDULES

ADMINISTRATIVE RULINGS

ISSUED BY ORDER OF COMMISSION

JANUARY 12, 1914

WASHINGTON

1914

SUPPLEMENT NO. 4 TO TARIFF CIRCULAR NO. 18-A.

Paragraph (*f*) of Rule 14, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

(*f*) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page — of —— tariff, I. C. C. No. —, or supplement — to —— tariff, I. C. C. No. —.

In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided* all such changes made by authority of this Rule shall be effected by *reductions* in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case such tariff or supplement must be made effective upon statutory notice to the Commission and to the public, and whether made effective on less than statutory notice under special authority granted in the order in the case, or upon statutory notice, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in Case No. ——."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Paragraph (*n*) of Rule 41, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

(*n*) Fares prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs or supplements to tariffs, and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page —, of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —.

In establishing fares or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the fare or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order adjustment at other points in order to preserve established grouping or relation of points: *Provided,* All such changes made by authority of this Rule shall be effected by *reductions* in fares or charges.

If carrier that is not so party to the case or to the joint tariff desires to make, on less than statutory notice, the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case, such tariff or supplement must be made effective upon statutory notice to the Commission and to the public, and whether made effective on less than statutory notice under special authority granted in the order in the case, or upon statutory notice, shall bear on its title-page notation "In Compliance with order of Interstate Commerce Commission in Case No. ——."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Rule 77, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

77. PUBLISHING AND FILING TARIFFS UNDER AMENDED FOURTH SECTION OF THE ACT:

(*a*) If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for *application* from intermediate points, they would conflict with the *amended fourth* section of the Act whenever the class rate or a

former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT.

TRANSFER NOTICE TO FX —, No. —.

——— ——, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,

Washington, D. C.

Effective ———, 191—, this company's concurrence, form FX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]

By ——— ———, [Sig.]

——— ——— [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 by 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Amendments to Rules 14 (*i*) and 41 (*r*), Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Division of Tariffs, Washington, D. C."

Amendment to Rule 15, Tariff Circular 18-A. (Adopted April 10, 1911.)

[Reissue from Supplement No. 1.]

Rules and regulations governing switching, deliveries, lighterage, and other terminal charges, together with provisions for absorption of same, as same are lawfully on file with the Commission, applicable at points reached by terminal carriers lawfully parties to a billing or instruction book authorized by this Rule, may be reproduced in such billing or instruction book, for the information of shippers.

This tariff contains rates (or fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication. When a general Fourth Section Order is referred to, the particular section thereof granting such authority must be shown in addition to the Order number.

(*c*) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication.

(*d*) Nothing in this Rule may be construed as waiving any of the provisions of the amended fourth section of the Act to regulate commerce.

A true copy.

GEORGE B. MCGINTY,
Secretary.

SUPPLEMENT NO. 3 TO TARIFF CIRCULAR NO. 18-A

CANCELS SUPPLEMENT NO. 2, AND INCLUDES ALL CHANGES TO DATE HEREOF

INTERSTATE COMMERCE COMMISSION

SUPPLEMENT

TO

REGULATIONS

TO GOVERN THE

CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS AND PASSENGER FARE SCHEDULES

ADMINISTRATIVE RULINGS

ISSUED BY ORDER OF COMMISSION
FEBRUARY 4, 1913

WASHINGTON
1913

SUPPLEMENT NO. 3 TO TARIFF CIRCULAR NO. 18-A.

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agraph (*a*) of Rule 8, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

a) If a tariff or supplement to a tariff is issued which conflicts with part of another tariff or supplement to the same or another tariff ich is in force at the time, and which is not thereby canceled in l, it shall specifically state the portion of such other tariff or such er supplement which is thereby canceled, and such other tariff ll at the same time be correspondingly amended, effective on the e date, in the regular way; that is, by reissue if tariff is of less n five pages, and by reissue or supplement if tariff is of more than pages. Such reissue or supplement must state where rates will reafter be found and must be filed at the same time and in contion with the tariff which contains the new rates. It will not necessary to give on commodity tariff or supplement reference to s-rate tariffs that may be affected, nor to give on class-rate tariffs supplements reference to commodity tariffs, except as provided tule 56.

agraph (*i*) of Rule 9, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

) In case of change of ownership or control of a carrier, or a a road or a part of a road is transferred from the operating rol of one company to that of another, or when its name is ged, the carrier which will thereafter operate the road, if it ds to use the tariff publications and rates of the former operatcompany, shall issue, file, and post, with I. C. C. number, an tion notice substantially as follows:

e [name of carrier] hereby adopts, ratifies, and makes its own, very respect as if the same had been originally filed and posted t, all tariffs, rules, notices, concurrences, traffic agreements, divis, authorities, powers of attorney, or other instruments whatso- filed with the Interstate Commerce Commission by the [name of carrier] prior to [date] the beginning of its possession. By this it also adopts and ratifies all supplements or amendments to of the above tariffs, etc., which have been heretofore filed with Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

Paragraph (*j*) of Rule 9, Tariff Circular 18–A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(*j*) A carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in the publication and filing of common supplements to the tariffs on file with the Commission, on the one hand withdrawing, and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on *immediate* notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

Paragraph (*k*) of Rule 9, Tariff Circular 18–A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(*k*) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such

schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C. number or numbers, to the tariff or tariffs or supplements thereto, in which they will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under authority of the vacating order, the rate, classification, charge, regulation, or practice becomes effective. Such supplement may not be given a retroactive effective date.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

. Issued under authority of Rule 9 A*k*) Tariff Circular 18–A and in compliance with Investigation and Suspension Order No. — of the Interstate Commerce Commission, of [date] 19—.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff or supplement, or any portion thereof, the tariff remaining in

effect as a result of such suspension may be further amended without regard to the Commission's Rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain, but the Commission's Rule prohibiting the supplementing of tariff of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the suspended tariff subsequently becomes effective, such tariff as may be reissued during the period of suspension must be canceled in the regular way.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in a suspended item or items, nor in a tariff or supplement which has been suspended in its entirety, except by special permission of the Commission.

When a six months' tariff or a supplement to a six months' tariff, or any portion thereof, is suspended by the Commission, the previous tariff and effective supplements will remain in force until lawfully changed or reissued, and the fixed period for the reissue of such six months' tariff may be deferred for the period of suspension of the tariff or supplements thereto.

The title-page of the six months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be reissued prior to [date to which suspended], 19—.

When the Commission suspends portions of a supplement to a tariff, such supplement shall be continued in force throughout the period of suspension and may not be canceled by a subsequent supplement or by a reissue of the tariff pending decision of the Commission in the case, except by special permission of the Commission. However, any items in such supplement, other than the suspended items, which it is desired to reissue or amend may be specifically reissued or canceled by corresponding items in a subsequent supplement. Such supplement containing suspended items will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9, provided all items in such supplement, except the suspended portions thereof, are reissued in or canceled by the subsequent supplement.

Not infrequently, prior to the service of the Commission's suspension order, a carrier or its agent files a later supplement which contains in reissued items the portions of the previous supplement which are by such order suspended and also provides for the cancellation of such previous supplement. In such instances the supplement which the carrier is required to file giving public notice of such

suspension shall, in addition to containing a copy of the Commission's order of suspension, also note specifically the cancellation from the later supplement of the reissue of such suspended portions, shall provide by amendment to the title-page of such later supplement that it cancels only such portions of the previous supplement as are not suspended, and shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C. number or numbers, to the tariff or tariffs, or supplements thereto, in which they will be found.

Paragraph (*j*) of Rule 10, Tariff Circular 18–A, is amended so that it will read as follows: (Adopted December 12, 1911.)

[Reissue from Supplement No. 2.]

A tariff publication confined to information and regulations governing the use of tank cars or to information as to numbers, dimensions, capacities, etc., of freight cars may be issued, and, except as hereinafter specified, may be supplemented only on statutory notice or under special permission. Supplements to such publication which contain no changes except additions of cars not before listed, substitution of new cars for old cars, changes in ownership of cars, and corrections in marked capacities or dimensions of cars already listed may be issued and made effective upon one day's notice to the Commission and to the public as required by law.

In connection with this Rule, regulations as to number of supplements to a publication and the volume of supplemental matter that may be contained therein (Rule 9) must be observed; and when changes are made on short notice hereunder and are incorporated in supplements with other matter brought forward from previous supplements, such other matter must be plainly noted as reissued from a former supplement (see paragraph (*d*) of Rule 9), and no changes except those above specified may be included.

Amendments to Rules 11 and 39, Tariff Circular 18–A. (Adopted January 18, 1912.)

[Reissue from Supplement No. 2.]

A group of family lines may unite in the publication and filing by the parent line, or a duly authorized agent, of a joint index of the tariffs of such family lines, provided the application of the tariffs as to each line is plainly indicated and such lines are shown as parties to the joint index by concurrence or power of attorney.

Amendment to paragraph (*b*) of Rule 12, Tariff Circular 18-A. (Adopted February 4, 1913.)

Paragraph (*b*) of Rule 12 is amended by adding thereto the following:

In instances where definite dates of closing and opening of navigation may be determined for each season of navigation the following rule may be incorporated in the tariff, instead of the two rules provided for in paragraph (*b*) of this Rule:

The rates in this tariff and in supplements thereto for rail-and-water and all-water transportation are effective only during the season of navigation of the [here insert the name of water carrier or carriers named in the tariff], which will be from [opening date] to [closing date], inclusive. From the latter date until the actual close of navigation [actual closing date], at which time such rates in this tariff will be wholly suspended, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel the same will be forwarded via all-rail route and will be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin. Shipping receipts, bills of lading and waybills must bear notation to this effect.

The rates in this tariff or in effective supplements thereto for rail-and-water or all-water transportation which were in force when the rates were wholly suspended [closing date], or which have subsequently been made effective, will be restored and applied on and after [opening date].

Amendment to Rule 13, Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent, simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, FX6, FX7, or FX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the

former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT.

TRANSFER NOTICE TO FX —, No. —.

——— ——, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,

Washington, D. C.

Effective ———, 191—, this company's concurrence, form FX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]

By ——— ———, [Sig.]

——— ——— [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 by 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Amendments to Rules 14 (*i*) and 41 (*r*), Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Division of Tariffs, Washington, D. C."

Amendment to Rule 15, Tariff Circular 18-A. (Adopted April 10, 1911.)

[Reissue from Supplement No. 1.]

Rules and regulations governing switching, deliveries, lighterage, and other terminal charges, together with provisions for absorption of same, as same are lawfully on file with the Commission, applicable at points reached by terminal carriers lawfully parties to a billing or instruction book authorized by this Rule, may be reproduced in *such billing or instruction* book, for the information of shippers.

Such reproduction must be in a separate section of the book, and each page of such section must bear in conspicuous form at the top thereof the following notation:

FOR INFORMATION ONLY.

These rules and regulations are reproduced here under Rule 15, of the Interstate Commerce Commission's Tariff Circular No. 18-A, for information only, and in case of conflict between the information here given and the rules and regulations of carriers parties hereto as lawfully on file with the Commission, the tariffs on file with the Commission will take precedence and apply.

The reproduced terminal rules must be stated separately, must show the name or names of the carrier or carriers whose rules they are, and each such entry shall bear introductory note as follows:

Reproduction from ——— Tariff I. C. C. No. —, filed with the Interstate Commerce Commission, to take effect ————, 19—.

Paragraph (*g*) of Rule 38, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(*g*) In case of change of ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the carrier which will thereafter operate the road, if it intends to use the tariff publications and fares of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

Paragraph (*h*) of Rule 38, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(*h*) A carrier whose line is absorbed, taken over or purchased by another carrier, shall unite with that other carrier in the publication and filing of common supplements to the tariffs on file with the Commission, on the one hand withdrawing, and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on *immediate* notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*d*) of Rule 38. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

Amendment to Paragraph (*b*) of Rule 40, Tariff Circular 18-A.
(Adopted February 4, 1913.)

Paragraph (*b*) of Rule 40 is amended by adding thereto the following:

In instances where definite dates of closing and opening of navigation may be determined for each season of navigation the following rule may be incorporated in the tariff, instead of the two rules provided for in paragraph (*b*) of this Rule:

The fares in this tariff and in supplement thereto for rail-and-water and all-water transportation are effective only during the season of navigation of the [here insert the name of water carrier or carriers named in the tariff], which will be from [opening date] to [closing date], inclusive.

The fares in this tariff or in effective supplement thereto for rail-and-water or all-water transportation which were in force when the fares were wholly suspended [closing date], or which have subsequently been made effective, will be restored and applied on and after [opening date].

Amendment to Rule 41, Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, PX6, PX7, or PX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT.

TRANSFER NOTICE TO PX—No. —,
——— ———, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

Effective ———, 191—, this company's concurrence, Form PX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]
By ——— ———, [Sig.]
——— ———. [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 x 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Paragraph (*a*) of Rule 52, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted December 2, 1912.)

52. ROUND-TRIP EXCURSION FARES (issued October 12, 1906).—(*a*) It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation fares authorized by the twenty-second section. Such a fare when first established or offered is held to be a change of fare which requires a notice of 30 days. No reason appears why this notice should not be given in the case of mileage fares, commutation fares, round-trip fares, or other reduced fares which, like ordinary passenger fares, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion fares, however, covering a named and limited period, are of a different character in this regard and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind the Commission has made a general order fixing the following-named time of notice of round-trip excursion fares, and carriers may govern themselves accordingly.

Fares for an excursion limited to a designated period of not more than three days may be established without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission, except that railroads in the Territory of Alaska may establish these excursion fares upon posting the tariff and mailing copy thereof to the Commission.

Fares for an excursion limited to a designated period of more than 3 days and not more than 30 days may be established upon a like notice of 3 days.

Fares for a series of daily excursions, such series covering a period not exceeding 30 days, may be established upon like notice of 3 days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

Fares for an excursion limited to a designated period exceeding 30 days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

Third Paragraph of Rule 64, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913).

(Issued January 7, 1908.) Paragraph (*d*) of Rule 4, and paragraph (*c*) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff

of a rule providing for the affirmative and definite application of the class rates or the fares named in that tariff to or from points *not indexed* therein and which are directly intermediate on the same line with more distant points that are indexed.

Tariffs may provide for the affirmative and definite application of commodity rates by the incorporation therein of a rule substantially as follows:

From any point of origin or to any point of destination from or to which a rate on a specific commodity is not named in this tariff, located on the same line between any two points of origin or destination from or to which rates are named on the same commodity, the rate on such commodity from or to such intermediate point will be the same as the rate from or to the next more distant point from or to which a rate is named herein; provided no specific rate on the same commodity from the same point of origin to the same point of destination is published in some other tariff.

Paragraphs (*c*), (*e*), and (*f*) of Rule 68, Tariff Circular 18-A, are amended so that they will read as follows: (Adopted January 3, 1912.)

[Reissue from Supplement No. 2.]

(*c*) A carrier has no means of preventing another carrier from naming it as a party to a joint tariff without proper authority so to do, or of preventing another carrier from exceeding the authority conferred by a limited concurrence. It can not, however, be bound by such unauthorized act and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call the attention of the Commission and of the one that issued the tariff to such erroneous action.

(*e*) Responsibility and liability for the unlawful incorporation of any carrier in a tariff, or for exceeding the authority conferred by a limited concurrence, will rest wholly upon the carrier that issued the tariff; or, if a tariff is issued by a joint agent and attorney for two or more carriers, will rest upon each of his principals that accepts and forwards the business under that tariff. Such responsibility and liability will be measured by the difference between the charges under the tariff as it is published, filed, and posted, and as it would have been if no carrier had been improperly named as party thereto, or if the authority conferred by the concurrence of a participating carrier had not been exceeded.

(*f*) In passing upon a complaint of overcharge, or demand for payment of undercharge, growing out of improper or unlawful inclusion of any carrier in the list of participating carriers, or of exceeding the authority conferred by a limited concurrence, in the tariff under which the business was accepted and forwarded, the Commission will apply the principles above stated.

Paragraph (*a*) of Rule 71, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted December 12, 1912.)

(*a*) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

In order to avoid controversies and questions, tariffs hereafter issued containing rates applicable to export or import traffic shall specify by inclusion or exclusion the countries to or from which shipments to which such rates are applicable shall move, whether such countries are, or are not, adjacent to the United States.

In the interest of clearness the tariffs should also specify whether or not shipments to or from Cuba, the Philippine Islands, Porto Rico or the Canal Zone are included. For convenience, and without regard to the political status and relation of the Philippines, Porto Rico and the Canal Zone to the United States, they, together with Cuba, are for these purposes to be classed with foreign countries.

Fourth Paragraph of Rule 72, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted October 9, 1911.)

[Reissue from Supplement No. 2.]

Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 30 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such freight traffic moves in bond and that no transit or stopover privilege is allowed thereon within the United States, and that tariff so states; and provided further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

Cancellation of Rule 76, Tariff Circular 18-A. (Adopted February 10, 1913.)

Rule 76, Substituting Tonnage at Transit Point, is hereby canceled. (See *The Transit Case,* 26 I. C. C., 204.)

ADDITION.

Rule 78.—Permission for changes on less than statutory notice in rates and fares between points in Alaska. (Adopted August 26, 1912.)

Rates on *freight traffic* and passenger fares from a point in the *Territory of Alaska to* another point in the Territory of Alaska, or

between points in said Territory, may be changed upon notice of 10 days as to *reductions* in rates or fares given to the Commission and to the public in manner required by law. As to advances in rates or fares, full statutory notice of changes must be given to the Commission and to the public in manner required by law, unless shorter time is allowed in special cases by special permission of the Commission (see Rule 58).

Each supplement to a tariff, or each tariff publication in which reductions in rates or fares are made on less than statutory notice under authority of this Rule, shall bear on its title-page the notation, "Issued under authority of Rule 78, Interstate Commerce Commission Tariff Circular 18-A."

A true copy:

JOHN H. MARBLE,
Secretary.

TARIFF CIRCULAR NO. 18-A

CONTAINS REVISION OF AND CANCELS TARIFF CIRCULAR 17-A AND SUPPLEMENT NO. 1. ALSO CANCELS SPECIAL ORDERS NO. 4, NO. 7, AND NO. 11, AND SPECIAL CIRCULARS (BUREAU OF TARIFFS) NO. 8 AND NO. 9.

INTERSTATE COMMERCE COMMISSION

REGULATIONS

TO GOVERN THE

CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS AND PASSENGER FARE SCHEDULES

ADMINISTRATIVE RULINGS

REVISED BY ORDER OF COMMISSION

Approved February 13, 1911
Effective March 31, 1911
(Except as noted in individual items)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

Amendment to Rule 41, Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, PX6, PX7, or PX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT.

TRANSFER NOTICE TO PX—No. —,
——— ———, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

Effective ———, 191—, this company's concurrence, Form PX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]
By ——— ———, [Sig.]
——— ———. [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 x 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Paragraph (*a*) of Rule 52, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted December 2, 1912.)

52. ROUND-TRIP EXCURSION FARES (issued October 12, 1906).—(*a*) It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation fares authorized by the twenty-second section. Such a fare when first established or offered is held to be a change of fare which requires a notice of 30 days. No reason appears why this notice should not be given in the case of mileage fares, commutation fares, round-trip fares, or other reduced fares which, like ordinary passenger fares, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion fares, however, covering a named and limited period, are of a different character in this regard and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind the Commission has made a general order fixing the following-named time of notice of round-trip excursion fares, and carriers may govern themselves accordingly.

Fares for an excursion limited to a designated period of not more than three days may be established without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission, except that railroads in the Territory of Alaska may establish these excursion fares upon posting the tariff and mailing copy thereof to the Commission.

Fares for an excursion limited to a designated period of more than 3 days and not more than 30 days may be established upon a like notice of 3 days.

Fares for a series of daily excursions, such series covering a period not exceeding 30 days, may be established upon like notice of 3 days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

Fares for an excursion limited to a designated period exceeding 30 days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

Third Paragraph of Rule 64, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913).

(Issued January 7, 1908.) Paragraph (*d*) of Rule 4, and paragraph (*c*) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff

REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION, UNDER AUTHORITY OF SECTION 6 OF THE ACT TO REGULATE COMMERCE AS AMENDED JUNE 18, 1910, TO GOVERN THE CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS, AND PASSENGER FARE SCHEDULES, BY COMMON CARRIERS WHOLLY BY RAILROAD OR PARTLY BY RAILROAD AND PARTLY BY WATER, AS DEFINED IN SAID ACT.

Approved February 13, 1911.
Effective March 31, 1911.
[Except as noted in individual items.]

FREIGHT TARIFFS AND CLASSIFICATIONS.

A star (*) denotes that a change or addition has been made in either the rule or paragraph.

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* When provisions for rejection of publications that do not conform to these regulations have been omitted it is to avoid conflict with the penalties provided in section 6 of the Act for failure to comply with rules and orders of the Commission, issued under that section.

* Tariffs that were lawfully on file with the Commission on May 1, 1907, and that have not since that time been superseded or canceled, will, except as provided in paragraph (*g*) of Rule 68, be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must, except as otherwise specified herein, conform to all of these rules. The Commission may direct the reissue of any tariff at any time.

The term "joint rate," as used herein, is construed to mean a rate that extends over the lines of two or more carriers and that is made by agreement between such carriers.

"Joint tariffs" are those which contain or are made up from such "*joint rates.*"

Tariffs must be printed.

*1. All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing.

Form and size of tariff.

All tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 9 (*e*).)

Changes to be indicated in tariff or supplement.

*2. (*a*) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates or charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(*b*) When a new tariff canceling a previous tariff omits points of origin or destination or rates which were contained in such previous tariff, the new tariff shall show in the manner prescribed in paragraph (*e*) of Rule 8, where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Title-page shall show:

3. The title-page of every tariff shall show:

Name of carrier.

(*a*) Name of issuing carrier, carriers, or agent.

I. C. C. number and cancellations.

(*b*) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs canceled thereby. If the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title-page, they must be shown immediately following the table of contents, and specific reference to such list must be entered on title-page immediately under the I. C. C. number of the tariff. Serial numbers of carriers may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

*(c) Whether tariff is local, joint, proportional, or a combination of same and whether class, commodity, or a combination of both. Kind of tariff.

*(d) The territory or points from and to which the tariff applies, briefly stated. Territory.

(e) Reference by name and I. C. C. number to the classification and exception sheets governing the tariff. Following form will be used: "Governed, except as otherwise provided herein, by the ——— classification, ———, I. C. C. No. —, supplements thereto and reissues thereof; and by exceptions to said classification, —— I. C. C. No. —, supplements thereto and reissues thereof." A tariff is not governed by a classification or exceptions thereto except when and to the extent stated on the tariff. Reference to governing classification and exception sheets.

(f) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the same, or any part thereof, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ——, unless sooner canceled, changed, or extended," must be used. Dates. Expiration notice.

(g) On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] ———, or by authority of Rule —, Tariff Circular 18-A, or by authority of decision of the Commission in case No. —. (See Rule 14.) When issued by permission or order of Commission on less than statutory notice.

(h) On upper left-hand corner of tariffs of less than 5 pages and on tariffs issued in loose-leaf form, the words: No supplement to this tariff will be issued except for the purpose of cancelling the tariff." On tariffs containing 5 and not more than 16 pages, inclusive: "Only one supplement to this tariff will be in effect at any time." On tariffs containing 17 and not more than 111 pages, inclusive: Only two supplements to this tariff will be in effect at Notice of supplements.

any time." On tariffs containing over 111 pages: "Only three supplements to this tariff will be in effect at any time."

On a tariff which provides for suspension and restoration of rail-and-water rates, as authorized by Rule 12, the following exception should be made in connection with the above notations: "except as provided for in rule —— (or item —), page —, of this tariff."

Officer issuing. (*i*) Name, title, and address of officer by whom tariff is issued.

Tariffs shall contain: 4. Tariffs in book or pamphlet form shall contain in the order named:

Table of contents. (*a*) Table of contents: A full and complete statement in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

Participating carriers. * (*b*) Names of issuing carriers, including those for which joint agent issues under power of attorney, and names of carriers participating under concurrence, alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Show concurrence numbers.

Index of commodities. * (*c*) Alphabetically arranged and complete index of all commodities upon which commodity rates are named, preceded by a paragraph, viz.: "Following list enumerates only such articles as are given specific rates; articles not specified will take class rates." All of the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal under "Coal," and descriptive word or words following, as "Coal," "Coal—Anthracite," "Coal—Bituminous," etc.

Include all articles upon which commodity rates are named in other tariffs. The index to a general commodity tariff or a combined class and commodity tariff shall also include in alphabetical order all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the tariff, and with such entry shall be shown the number or numbers of tariffs in which such rates are found. For ex-

ample, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

Commodity item containing list of articles taking one rate need be indexed but once, provided reference is given to list of articles embraced.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example, "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —;" or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

Tariff must contain all rates on commodities included in tariff and between same points.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

Alphabetical arrangement of commodity rates to each destination.

If all of the commodity rates to each destination in the tariffs are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

Index of stations.

(*d*) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which rates from or to such points appear, should be

shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

Alphabetical arrangement of points in rate tables. If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State or group will be found.

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical description. Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Territorial or group descriptions. Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown;

or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

Reference marks and abbreviations.

(e) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

List of exceptions.

(f) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page.

Explanatory statements.

(g) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

(h) Rules and regulations which govern the tariff, the title of each rule or regluation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule shall authorize substituting rate found in another tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

Rule for explosives.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

Tariff rule and regulation filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —."

Tariffs must be printed.

*1. All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing.

Form and size of tariff.

All tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 9 (*e*).)

Changes to be indicated in tariff or supplement.

*2. (*a*) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates or charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(*b*) When a new tariff canceling a previous tariff omits points of origin or destination or rates which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (*e*) of Rule 8, where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Title-page shall show:

3. The title-page of every tariff shall show:

Name of carrier.

(*a*) Name of issuing carrier, carriers, or agent.

I. C. C. number and cancellations.

(*b*) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs canceled thereby. If the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title-page, they must be shown immediately following the table of contents, and specific reference to such list must be entered on title-page immediately under the I. C. C. number of the tariff. Serial numbers of carriers may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

*(c) Whether tariff is local, joint, proportional, or combination of same and whether class, commodity, a combination of both. Kind of tariff.

*(d) The territory or points from and to which the tariff plies, briefly stated. Territory.

(e) Reference by name and I. C. C. number to the ssification and exception sheets governing the tariff. llowing form will be used: "Governed, except as otherse provided herein, by the ——— classification, ———, C. C. No. —, supplements thereto and reissues thereof; d by exceptions to said classification, —— I. C. C.). —, supplements thereto and reissues thereof." A iff is not governed by a classification or exceptions ereto except when and to the extent stated on the tariff. Reference to governing classification and exception sheets.

(f) Date of issue and date effective. Any tariff may changed upon statutory notice of thirty days, or, under ecial permission from the Commission, upon shorter tice. Therefore, a provision in a tariff that the same, any part thereof, will expire upon a given date, is not a aranty that the tariff, or such part of it, will remain ective until that date. The Commission considers such piration notices undesirable, as many complications ve arisen through their being overlooked. Such proion, if used, must be understood to mean that the iff, or specified part of it, will expire upon the date med unless sooner canceled, changed, or extended in wful way. On such tariffs the term "Expires ——, less sooner canceled, changed, or extended," must be ed. Dates. Expiration notice.

(g) On every tariff or supplement that is issued on s than thirty days' notice by permission or order or gulation of the Commission, notation that it is issued der special permission or order of the Interstate Comrce Commission, No. —, of [date] ———, or by thority of Rule —, Tariff Circular 18-A, or by author- of decision of the Commission in case No. —. (See le 14.) When issued by permission or order of Commission on less than statutory notice.

(h) On upper left-hand corner of tariffs of less than 5 ges and on tariffs issued in loose-leaf form, the words: o supplement to this tariff will be issued except for the rpose of cancelling the tariff." On tariffs containing 5 l not more than 16 pages, inclusive: "Only one supplent to this tariff will be in effect at any time." On tar- containing 17 and not more than 111 pages, inclusive: nly two supplements to this tariff will be in effect at Notice of supplements.

any time." On tariffs containing over 111 pages: "Onl[redacted] three supplements to this tariff will be in effect at an[redacted] time."

On a tariff which provides for suspension and restora[redacted] tion of rail-and-water rates, as authorized by Rule 12, th[redacted] following exception should be made in connection wit[redacted] the above notations: "except as provided for in rule ——— (or item —), page —, of this tariff."

Officer issuing. (*i*) Name, title, and address of officer by whom tar[redacted] is issued.

Tariffs shall contain: 4. Tariffs in book or pamphlet form shall contain in th[redacted] order named:

Table of contents. (*a*) Table of contents: A full and complete statemen[redacted] in alphabetical order, of the exact location where infor[redacted] mation under general headings, by subjects, will be foun[redacted] specifying page or item numbers. If a tariff contains [redacted] small a volume of matter that its title-page or its interi[redacted] arrangement plainly discloses its contents, the table [redacted] contents may be omitted.

Participating carriers. * (*b*) Names of issuing carriers, including those for which joint agent issues under power of attorney, and names of carriers participating under concurrence, alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Show concurrence numbers.

Index of commodities. * (*c*) Alphabetically arranged and complete index of all commodities upon which commodity rates are named, preceded by a paragraph, viz.: "Following list enumerates only such articles as are given specific rates; articles not specified will take class rates." All of the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal under "Coal," and descriptive word or words following, as "Coal," "Coal—Anthracite," "Coal—Bituminous," etc.

Include all articles upon which commodity rates are named in other tariffs. The index to a general commodity tariff or a combined class and commodity tariff shall also include in alphabetical order all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the tariff, and with such entry shall be shown the number or numbers of tariffs in which such rates are found. For ex-

ample, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

Commodity item containing list of articles taking one rate need be indexed but once, provided reference is given to list of articles embraced.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example, "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —;" or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

Tariff must contain all rates on commodities included in tariff and between same points.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

Alphabetical arrangement of commodity rates to each destination.

If all of the commodity rates to each destination in the tariffs are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

Index of stations.

(*d*) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which rates from or to such points appear, should be

shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

Alphabetical arrangement of points in rate tables.

If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State or group will be found.

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical description.

Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Territorial or group descriptions.

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown;

or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

Reference marks and abbreviations.

(*e*) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

List of exceptions.

(*f*) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page.

Explanatory statements.

(*g*) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

(*h*) Rules and regulations which govern the tariff, the title of each rule or regluation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule shall authorize substituting rate found in any other tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

Rule for explosives.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and *regulations* shown in ——— I. C. C. No. —."

Tariffs must be printed.

*1. All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing.

Form and size of tariff.

All tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 9 (*e*).)

Changes to be indicated in tariff or supplement.

*2. (*a*) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates or charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(*b*) When a new tariff canceling a previous tariff omits points of origin or destination or rates which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (*e*) of Rule 8, where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Title-page shall show:

3. The title-page of every tariff shall show:

Name of carrier.

(*a*) Name of issuing carrier, carriers, or agent.

I. C. C. number and cancellations.

(*b*) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs canceled thereby. If the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title-page, they must be shown immediately following the table of contents, and specific reference to such list must be entered on title-page immediately under the I. C. C. number of the tariff. Serial numbers of carriers may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

*(c) Whether tariff is local, joint, proportional, or a combination of same and whether class, commodity, or a combination of both. Kind of tariff.

*(d) The territory or points from and to which the tariff applies, briefly stated. Territory.

(e) Reference by name and I. C. C. number to the classification and exception sheets governing the tariff. Following form will be used: "Governed, except as otherwise provided herein, by the ——— classification, ———, I. C. C. No. —, supplements thereto and reissues thereof; and by exceptions to said classification, —— I. C. C. No. —, supplements thereto and reissues thereof." A tariff is not governed by a classification or exceptions thereto except when and to the extent stated on the tariff. Reference to governing classification and exception sheets.

(f) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the same, or any part thereof, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ——, unless sooner canceled, changed, or extended," must be used. Dates. Expiration notice.

(g) On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] ———, or by authority of Rule —, Tariff Circular 18-A, or by authority of decision of the Commission in case No. —. (See Rule 14.) When issued by permission or order of Commission on less than statutory notice.

(h) On upper left-hand corner of tariffs of less than 5 pages and on tariffs issued in loose-leaf form, the words: "No supplement to this tariff will be issued except for the purpose of cancelling the tariff." On tariffs containing 5 and not more than 16 pages, inclusive: "Only one supplement to this tariff will be in effect at any time." On tariffs *containing 17 and not* more than 111 pages, inclusive: *"Only two supplements to* this tariff will be in effect at Notice of supplements.

any time." On tariffs containing over 111 pages: "Only three supplements to this tariff will be in effect at any time."

On a tariff which provides for suspension and restoration of rail-and-water rates, as authorized by Rule 12, the following exception should be made in connection with the above notations: "except as provided for in rule — (or item —), page —, of this tariff."

Officer issuing. (*i*) Name, title, and address of officer by whom tariff is issued.

Tariffs shall contain: 4. Tariffs in book or pamphlet form shall contain in the order named:

Table of contents. (*a*) Table of contents: A full and complete statement in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

Participating carriers. * (*b*) Names of issuing carriers, including those for which joint agent issues under power of attorney, and names of carriers participating under concurrence, alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Show concurrence numbers.

Index of commodities. * (*c*) Alphabetically arranged and complete index of all commodities upon which commodity rates are named, preceded by a paragraph, viz.: "Following list enumerates only such articles as are given specific rates; articles not specified will take class rates." All of the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal under "Coal," and descriptive word or words following, as "Coal," "Coal—Anthracite," "Coal—Bituminous," etc.

Include all articles upon which commodity rates are named in other tariffs. The index to a general commodity tariff or a combined class and commodity tariff shall also include in alphabetical order all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the tariff, and with such entry shall be shown the number or numbers of tariffs in which such rates are found. For ex-

ample, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

Commodity item containing list of articles taking one rate need be indexed but once, provided reference is given to list of articles embraced.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example, "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —;" or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

Tariff must contain all rates on commodities included in tariff and between same points.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

Alphabetical arrangement of commodity rates to each destination.

If all of the commodity rates to each destination in the tariffs are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

Index of stations.

(*d*) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which *rates from or to* such points appear, should be

shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

Alphabetical arrangement of points in rate tables.

If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State or group will be found.

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical description.

Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Territorial or group descriptions.

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown;

or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

Reference marks and abbreviations.

(*e*) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

List of exceptions.

(*f*) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page.

Explanatory statements.

(*g*) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

(*h*) Rules and regulations which govern the tariff, the title of each rule or regluation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule shall authorize substituting rate found in any other tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

Rule for explosives.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such *rate schedules by* the specific reference "Governed *by rules and regulations* shown in ——— I. C. C. No. —."

When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

Rate tables.

*(*i*) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

Routes.

(*j*) The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points but over the lines of carriers parties to the tariff, the rates will apply.

If a tariff contains no routing directions the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the

junction through which the shipment moves. If agent of carrier bills or sends shipment via a route or junction point that is covered by the tariff but via which no division of the rate applies, it is for the carriers to agree between themselves upon the division of the rate, and the intermediate or delivering carriers may demand from the carrier whose agent so missends shipment their full local rates for the services which they perform. (This must not be construed as conflicting with routing and misrouting rulings published in Conference Rulings Bulletins.)

Rates on through shipment when no joint rates apply.

*5. (*a*) The practice on part of carriers of accepting and transporting through shipments, as to which no joint rate applies, upon rates made up by combination of the rates of the several carriers participating in the movement, and of collecting, as delivering carriers, the aggregate charges of the several carriers upon such shipments, and of accounting to such carriers for their several portions of such charges, is practically universal. That custom has the same binding effect as a joint rate, both as between carriers themselves and as between carriers and shippers. Therefore carriers may construct rates for through shipments to and from points to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully published and filed tariffs. In making up a combination rate all limitations which a tariff places upon the use of a basing, proportional, or arbitrary rate must be fully observed.

Basing or proportional tariffs must be specific.

(*b*) Tariffs containing basing or proportional rates must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing rates must show the I. C. C. numbers of tariffs in which bases can be found.

May specify basing points or factors for combination rate.

A carrier may provide in its tariffs that, in the absence of a specific rate from point of origin to destination of a through shipment, combination rate to or via certain points will be made upon specified basing point of points, or by using certain specified tariffs or rates, and the combination rate so specified will be the lawful rate for that shipment.

A carrier may incorporate in a tariff the following rule:

Rates to destinations or from points of origin not shown in this tariff will, in the absence of specific rate *from point of origin to* destination, be made by adding to *the rates shown in this* tariff the rates shown in other

When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

Rate tables.

*(*i*) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

Routes.

(*j*) The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points but over the lines of carriers parties to the tariff, the rates will apply.

If a tariff contains no routing directions the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the

ample, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

Commodity item containing list of articles taking one rate need be indexed but once, provided reference is given to list of articles embraced.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example, "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —;" or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

Tariff must contain all rates on commodities included in tariff and between same points.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

Alphabetical arrangement of commodity rates to each destination.

If all of the commodity rates to each destination in the tariffs are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

Index of stations.

(*d*) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which *rates from or to* such points appear, should be

tariffs lawfully on file with the Interstate Commerce Commission, but if the rate so made exceeds the rate to or from a point beyond on the same direct line or route *as shown in this tariff*, the latter rate will apply.

NOTE.—If a rate applies to or from a group or zone or blanket of points of origin or of destination, such rate will be considered as "named" or "shown" from each point within such properly described group, zone, or blanket.

When desired the following may be added:

Rates so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

If shipment moves to or from a point of origin or of destination or via a junction point with connecting or branch line at which interchange is made *directly intermediate to the base point upon which the lowest combination makes*, such combination must be applied; and it is not necessary to haul the shipment to such base point and back again to or through point of origin or destination or such junction point.

*NOTE.—Neither this rule nor any portion thereof is to be construed as conferring any authority to depart from the prohibitions of the fourth section of the Act against higher charges for shorter distances, and higher charges as a through route than the aggregate of the intermediate rates, or as modifying or authorizing departure from the Commission's ruling that a specific class or commodity rate between two points is the lawful rate between those points regardless of any combination rate. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission's ruling that a through rate that is higher than the combination of intermediate rates between the same points is *prima facie* unreasonable. It must be further understood that in applying the lowest combination when it makes upon a base point as to which the point of origin or of destination is directly intermediate, the Commission expresses no opinion as to the reasonableness of a rate so constructed.

Lowest combination lawful rate.

(c) If no specific rate from point of origin to destination of a through shipment is provided, and no specific manner of constructing combination rate for it is prescribed, the lowest combination of rates applicable via the route over which the shipment moves is the lawful rate for that shipment.

or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

Reference marks and abbreviations.

(*e*) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

List of exceptions.

(*f*) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page.

Explanatory statements.

(*g*) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

(*h*) Rules and regulations which govern the tariff, the title of each rule or regluation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule shall authorize substituting rate found in any other tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

Rule for explosives.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such *rate schedules* by the specific reference "Governed *by rules and regulations* shown in ——— I. C. C. No. —."

When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

Rate tables.

*(*i*) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

Routes.

(*j*) The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points but over the lines of carriers parties to the tariff, the rates will apply.

If a tariff contains no routing directions the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the

junction through which the shipment moves. If agent of carrier bills or sends shipment via a route or junction point that is covered by the tariff but via which no division of the rate applies, it is for the carriers to agree between themselves upon the division of the rate, and the intermediate or delivering carriers may demand from the carrier whose agent so missends shipment their full local rates for the services which they perform. (This must not be construed as conflicting with routing and misrouting rulings published in Conference Rulings Bulletins.)

Rates on through shipment when no joint rates apply.

*5. (*a*) The practice on part of carriers of accepting and transporting through shipments, as to which no joint rate applies, upon rates made up by combination of the rates of the several carriers participating in the movement, and of collecting, as delivering carriers, the aggregate charges of the several carriers upon such shipments, and of accounting to such carriers for their several portions of such charges, is practically universal. That custom has the same binding effect as a joint rate, both as between carriers themselves and as between carriers and shippers. Therefore carriers may construct rates for through shipments to and from points to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully published and filed tariffs. In making up a combination rate all limitations which a tariff places upon the use of a basing, proportional, or arbitrary rate must be fully observed.

Basing or proportional tariffs must be specific.

(*b*) Tariffs containing basing or proportional rates must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing rates must show the I. C. C. numbers of tariffs in which bases can be found.

May specify basing points or factors for combination rate.

A carrier may provide in its tariffs that, in the absence of a specific rate from point of origin to destination of a through shipment, combination rate to or via certain points will be made upon specified basing point of points, or by using certain specified tariffs or rates, and the combination rate so specified will be the lawful rate for that shipment.

A carrier may incorporate in a tariff the following rule:

Rates to destinations or from points of origin not shown in this tariff will, in the absence of specific rate *from point of origin to* destination, be made by adding to *the rates shown in this* tariff the rates shown in other

tariffs lawfully on file with the Interstate Commerce Commission, but if the rate so made exceeds the rate to or from a point beyond on the same direct line or route *as shown in this tariff,* the latter rate will apply.

NOTE.—If a rate applies to or from a group or zone or blanket of points of origin or of destination, such rate will be considered as "named" or "shown" from each point within such properly described group, zone, or blanket.

When desired the following may be added:

Rates so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

If shipment moves to or from a point of origin or of destination or via a junction point with connecting or branch line at which interchange is made *directly intermediate to the base point upon which the lowest combination makes,* such combination must be applied; and it is not necessary to haul the shipment to such base point and back again to or through point of origin or destination or such junction point.

*NOTE.—Neither this rule nor any portion thereof is to be construed as conferring any authority to depart from the prohibitions of the fourth section of the Act against higher charges for shorter distances, and higher charges as a through route than the aggregate of the intermediate rates, or as modifying or authorizing departure from the Commission's ruling that a specific class or commodity rate between two points is the lawful rate between those points regardless of any combination rate. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission's ruling that a through rate that is higher than the combination of intermediate rates between the same points is *prima facie* unreasonable. It must be further understood that in applying the lowest combination when it makes upon a base point as to which the point of origin or of destination is directly intermediate, the Commission expresses no opinion as to the reasonableness of a rate so constructed.

Lowest combination lawful rate.

(c) If no specific rate from point of origin to destination of a through shipment is provided, and no speci manner of constructing combination rate for it is p scribed, the lowest combination of rates applicable via route over which the shipment moves is the lawful r for that shipment.

Such combination through rate must be treated as a unit from the date of original shipment to the date of its arrival at destination, and the rate applied must be the combination of the rates which exists upon the date of original shipment. All of the conditions, regulations, and privileges obtaining as to any factor in such combination rate for through shipment at the time of original shipment upon such combination through rate must be adhered to and can not be varied as to that shipment during the period of transportation of such shipment to its final destination. A local or proportional rate "in" can not be absorbed, diminished, or affected by any "out" rate not in effect at the time when the traffic moved upon such local or proportional rate.

Combination rate a unit as of date of original shipment.

6. (*a*) The terms "common points," "Southeastern territory," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which rates named therein apply, unless a full list of such points is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list.

Limiting use of terms "common points," "grain products," etc.

The terms "grain products," "forest products," "petroleum and its products," "cottonseed products," or similar terms must not be used in any tariff for the purpose of indicating the articles to which the rates apply, unless a full list of the articles intended to be included in and covered by such terms is printed in the tariff or specific reference is given to I. C. C. number of issue that contains such list.

(*b*) Commodity rates must be specific and must not be applied to analogous articles.

Commodity rates must be specific.

7. (*a*) In every instance where a commodity rate is named in a tariff upon a commodity and between specified points such commodity rate is the lawful rate and the only rate that may be used with relation to that traffic between those points, even though a class rate or some combination may make lower. The naming of a commodity rate on any article or character of traffic takes such article or traffic out of the classification and out of the class rates between the points to which such commodity rate applies.

Commodity rate the only rate that can lawfully be used.

Class rates or commodity rates may be made for specified mixed shipments and will be the lawful rates for such mixtures, even though certain parts of the mixtures are covered by class or commodity rates when shipped separately.

Rates for mixed shipments.

Alternative rates in sectional tariff.

(*b*) If the alternative use of class or commodity rates is necessary or desired in any instance it may be provided by including in different sections of one and the same tariff such class and commodity rates, and by including in each section the specific rule "If the rates in Section —— of this tariff make a lower charge on any shipment than the rates in Section —— of this tariff, the rates in Section —— will be applied." No rates may be so included in a tariff for alternative use excepting such as the carrier or agent who issues the tariff is lawfully authorized to publish and change; that is, rates issued by another carrier or agency may not be reproduced for such alternative use.

May not reproduce other carrier's or agency's rates for alternative use.

Rule for tariff which does not provide alternative use of rates.

(*c*) Each tariff that contains class rates and that is not constructed in sections for alternative use of rates, as provided in paragraph (*b*) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be).

Rule for tariff which does provide for alternative use of rates.

(*d*) Each tariff that contains class and commodity rates and that is constructed in sections for alternative use of rates as provided in paragraph (*b*) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates that are contained in separate sections of this tariff is specifically authorized herein.

Rule in classification.

(*e*) Each classification that is issued or supplemented hereafter shall contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates is specifically provided for by including in different sections of one and the same tariff such class and commodity rates, and by including in each section of such tariff the specific rule, "If the

rates in Section — of this tariff make a lower charge on any shipment than the rates in Section — of this tariff, the rates in Section — will be applied."

Tariff or supplement to tariff shall specify cancellations.

8. (*a*) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to a tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue, if tariff is of less than 5 pages, and by reissue or supplement, if tariff is of more than 5 pages. Such reissue or supplement must state where rates will thereafter be found and must be filed at the same time and in connection with the tariff which contains the new rates. It will not be necessary to give on commodity tariff or supplement reference to class-rate tariffs that may be affected, nor to give on class-rate tariffs or supplements reference to commodity tariffs, except as provided in Rule 56.

Cancellation must be by authorized agent or by carrier that issued the tariff canceled.

(*b*) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and, therefore, it is permissible for him to cancel by his tariffs issues of such principals.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and as per paragraph (*a*) of this Rule.

Concurrence does not confer authority to cancel.

(*c*) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. Such cancellations must be made by the carrier that issued the tariff that is to be canceled.

Cancellation notice must be by supplement.

(*d*) If a tariff is canceled with the purpose of canceling entirely the rates named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new I. C. C. number, but must be issued as a supplement to the tariff which it cancels, even though it be a tariff of 4 pages or less, and even though the tariff may at

the time have the full number of supplements permitted by paragraph (*e*) of Rule 9.

Cancellation notice shall specify where rates will thereafter be found.

* (*e*) When a tariff or a rate is canceled, the cancellation notice must show where rates or rate will thereafter be found or what rates or rate will thereafter apply. For example: "Rate in ——, I. C. C. No. —, will apply," or "Class rates will apply," or "Combination rate will apply," or "No rates in effect." (See Rule 2 (*b*).)

If a tariff is canceled with the purpose of applying in lieu thereof the rates shown in some other tariff, the cancellation notice shall make specific reference to the I. C. C. number of tariff in which the rates will thereafter be found. Cancellation of a tariff also cancels supplements to such tariff, if any in effect. If a tariff is canceled by the issuance of a similar tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in paragraph (*b*) of Rule 3.

Cancellation by item numbers.

* (*f*) When the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41-A cancels item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.

Amendments and supplements.

9. (*a*) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than 5 pages, and amendments to tariffs issued in loose-leaf form, shall be printed in a supplement to the tariff and shall refer to the page or pages or item or items of the tariff, or of previous supplement, which it amends.

Amended item must be shown in full.

An amended item must always be printed in a supplement in its entirety as amended, and the items in each supplement shall be arranged in the same general order as the tariff which it amends.

Participating carriers; how shown in supplement.

(*b*) A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff, except [here show alphabetically all additions to

and eliminations from the original list that are effected by the supplement, or that have been effected by previous supplements]."

Supplement number and cancellations.

*(c) Supplements to a tariff shall be numbered consecutively as supplements to that tariff and must not be given separate or new I. C. C. numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on its title-page what supplements contain all changes from the original tariff that are in effect. For example: "Supplement No. — to I. C. C. No. —." "Cancels Supplements Nos. — and —." "Supplements Nos. — and — contain all changes from the original tariff that are effective on the date hereof." The term "cancels conflicting portions" must not be used.

Show effective date of reissued items and I. C. C. reference.

*(d) A tariff which contains reissued items brought forward from a previous issue which has not been in effect thirty days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation: "Effective —— except as noted in individual items." Example: "Issued ——, 19—, Effective ——, 19—, except as noted in individual items." Reissued items brought forward without change must show in conspicuous form and convenient manner the following: "Reissue (in black-face type); effective [date upon which item became effective] in I. C. C. No." or "in Supplement No. — to I. C. C. No. —." When the reissued item became effective in a former supplement to the same tariff the I. C. C. number of the tariff may be omitted, but the supplement number must be given.

Items reissued from publications that were on file prior to May 1, 1907, may show last date and reference prior to May 1, 1907.

Number of supplements effective at any time.

*(e) Except as authorized in Rules 8 (*d*), 9 (*i*), 9 (*k*), 11, and 12 (*d*), tariff of less than 5 pages may have no supplement, change therein may be made only by reissue; not more than one supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than two supplements may be in effect at any time to a tariff containing 17 and not more than 111 pages; not more than three supplements may be in effect at any time to a tariff containing more than 111 pages, and such third supplement may be issued only when the smaller of the two effective supplements to that tariff contains

not less than 10 per centum of the number of pages in the tariff.

Amount of matter supplement may contain.

Tariffs containing 5 or more pages, including title-pages and indexes, may be supplemented to the following extent:

Number of pages in tariff (including title-page and index)—	Supplements may contain (including title-page and index)—
5 and not more than 16 pages.....	Not more than 4 pages.
17 and not more than 32 pages....	Not more than 6 pages.
33 or more pages.....	Not more than 25 per centum of the number of pages in tariff.

NOTE.—The changes made as to the number of supplements to a tariff that may be issued or that may be in effect at any time are applicable only to tariffs that are issued after May 12, 1909, and that bear on their title-pages notations in harmony with paragraph (*e*) of this Rule and in accord with paragraph (*h*) of Rule 3. As to tariffs heretofore issued, subsequently to May 1, 1907, the notations which they bear as to issuance of supplements and the number of supplements that may be in effect at any time must be observed until such tariffs are superseded or reissued.

Tariffs of less than five pages that were filed prior to May 1, 1907, may not be further supplemented after July 1, 1909. Tariffs of five or more pages that were filed prior to May 1, 1907, may not be further supplemented after October 1, 1909, except by bringing, and thereafter maintaining, the number of effective supplements within the provisions of paragraph (*c*) of this Rule.

Amendments to loose-leaf tariffs: No supplement.

All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in Rule 2 and when no change or addition is made in one of the pages reprinted it must bear notation "No change in this page." Such pages must not be given supplement numbers, but must be designated "First revised page —," "Second revised page —," etc., must show the I. C. C. number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

Supplements to periodical tariffs.

(*f*) If a tariff provides that it will be reissued periodically at specified times, not more than six months apart, and the life of the tariff does not exceed six months, and such provision is strictly observed, supplements to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page

notation "This tariff will be reissued effective on or before —, 19—."

Index to supplement.

(*g*) A supplement of five or more pages must have an index of the matter which it contains, and a supplement of more than 23 pages must also contain a table of contents.

Supplement to tariff that is filed and not yet effective.

(*h*) If a tariff is filed on statutory notice canceling another tariff and after such filing and prior to the effective date of such new tariff a supplement to the tariff to be so canceled should be lawfully issued, rates in that supplement should not continue in effect for the thirty days required by law because the cancellation of the tariff also cancels supplements to it. In such a case supplements containing changes not included in the tariff that is to become effective may be issued as supplements both to the tariff in effect and to the tariff on file that will effect such cancellation, and be given both I. C. C. numbers. In other words, such issue must be a supplement to each of the tariffs, and copies must be filed accordingly. A supplement issued under this Rule containing reissued items shall note in connection with each of such items, in addition to the date effective as required by the Rule, that the reissued items expire on the date at which the new tariff becomes effective, and that the new tariff will apply in lieu thereof; and such reissued items must not be brought forward in subsequent supplements to the new tariff. Such supplement may not contain any changes except those lawfully made by supplement to the tariff which is to be canceled by the tariff that has been filed and that is also so supplemented; and no other kind of supplement to a tariff that is on file and not yet effective may be made effective within thirty days from the effective date of the tariff without special permission.

The provisions of paragraph (*e*) of this Rule as to the number of supplements to a tariff that may be in effect at any time, and the volume of supplemental matter they may contain must be observed in connection with supplement issued under this paragraph.

Withdrawal and adoption of tariffs when one carrier is absorbed by another carrier.

* (*i*) In case of change of ownership or control of a carrier, the carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand *accepting* and establishing such tariffs and all

effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on five days' notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

Withdrawal and adoption of tariffs when a road or portion thereof is transferred to another company, or its name is changed.

When a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the existing tariffs issued by the company that surrenders control must be withdrawn by it and adopted by the company assuming control, as provided in the preceding paragraph.

Adoption of tariffs issued by other carriers or joint agents, and of concurrences, power of attorney, etc., filed by old carrier.

(*j*) As to tariffs issued by other carriers or joint agents under concurrences or powers of attorney granted by the old carrier or company, the new carrier or company shall, if it intends to use such tariff publications and rates, issue, file, and post, with I. C. C. number, an adoption notice, substantially as follows:

> The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Adoption notice filed by receiver.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney of old carrier must be replaced by those of new carrier.

Concurrences and powers of attorney so adopted by carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issu by and in the name of the new carrier or company, a in each instance canceling the concurrence or power attorney superseded.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

Suspension of tariff publications containing increased rates.

* (*k*) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also give reference by I. C. C. number or numbers to the tariff or tariffs in which the rates, classifications, charges, or regulations applicable during the period of suspension will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When Commission's order of suspension is vacated.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective.

Notation on supplement.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

Issued under authority of Rule 9 (*k*) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. — of the Interstate Commerce Commission, of [date] 19—.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

Waiver of supplement rule when tariff is suspended in its entirety.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff, the tariff remaining in effect as a result of such suspension may be further amended without regard to the Commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain, but the Commission's rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the suspended tariff subsequently becomes effective such tariff as may be reissued during the period of suspension should be canceled in the regular way.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in suspended publication.

No change may be made in a tariff or supplement which has been suspended in its entirety, except by special permission of the Commission.

Waiver of Rule 9 (f) when tariff is suspended.

When a six months' tariff or a supplement to a six months' tariff is suspended in its entirety by the Commission, the previous tariff and effective supplements will

remain in force until lawfully changed or reissued, and the fixed period for the reissue of such six months' tariff may be deferred for the period of suspension of the tariff or supplements thereto.

The title-page of the six months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be reissued prior to [date to which suspended], 19—.

Authority to make effective reduced items appearing in suspended schedules.

★ (*m*) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a schedule which contains both increases annd reductions in rates, charges, classifications, or regulations, such *reduced* rates, charges, classifications, or regulations may be reestablished on one day's notice to the Commission and the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or, if such tariff is of less than five pages, by the publication and filing of a new tariff, making proper cancellation of the restored tariff. A supplement or tariff issued under authority of this Rule shall bear upon its title-page the following notation:

Issued by authority of Rule 9 (*m*), Interstate Commerce Commission Tariff Circular 18-A.

Tariffs showing terminal charges, diversion, reconsignment, transit privileges, etc.

10. (*a*) Each carrier shall publish, with proper I. C. C. numbers, post, and file separate tariffs which shall contain in clear, plain, and specific form and terms all the terminal charges and all allowances, such as arbitraries, switching, icing, storage, elevation, diversion, reconsignment, transit privileges, and car service, together with all other privileges, charges, and rules, which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment, or which increase or decrease the value of the service to the shipper. Such tariffs must stipulate clearly the extent of such privileges and the charges connected therewith, and shall also state whether or not the rate published by the initial carrier from the point of origin to ultimate destination will apply. If the through rate does apply it must be as of the date of shipment from point of origin.

If such privilege is granted or charge is made in connection *with the rate* under which the shipment moves *from point of origin,* the initial carrier's tariff which con-

Under the head of "Miscellaneous schedules" will follow list of schedules, such as billing books, classifications, exception sheets, switching tariffs, terminal charges, etc., each entered in alphabetical order.

Second section.—List of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers or agents, with the items arranged by commodities and classes under each of such carriers or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section, provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section.—A complete list of the numbers of tariffs of its own I. C. C. series arranged in numerical order.

If carrier so desires, lists of its intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Rates in this tariff do not apply to interstate shipments." Tariffs covering specific circus movements and supplements to tariffs need not be included in indices.

Revision and supplements. If any changes are made, the index must be revised to date, either by reissue each month or by supplement each month and reissue every twelve months. If supplements are used they must be numbered consecutively, must be constructed in accordance with specifications as to construction of index, and show additions, changes, and cancellations made in index or canceled supplement thereto.

Notation on title-page. Each index must bear on its title-page notations, as follows: "This index contains list of tariff publications in effect on [date of issue of index];" to which may be added, "or which have been filed to become effective at a later date as shown within." If supplements to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ———, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of supplement]," to which may be added, "or which have been filed to become effective at a later date as shown within."

NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued

will be in a stated sum per 100 pounds, per ton or per car, or as per tariffs on file with the Interstate Commerce Commission.

Distance tariff may be used when no other rates provided.

* (*g*) It is permissible for a carrier, or for two or more carriers, to issue a tariff containing distance or mileage class rates, commodity rates, or both, for use in determining rates on its or their own lines, but in such cases the distance or mileage class rates may be used only when no other class rates are provided, and the distance or mileage commodity rates may be used only when no other commodity rates are provided.

Notation on distance class rate tariff.

Each tariff that contains distance or mileage class rates only must bear on its title-page the following rule:

Class rates shown herein may be used only when no specific class rates have been provided. When governed by classification which also contains distance or mileage class rates they will take precedence over the distance or mileage class rates in such classification. They may not be used either by themselves or in combination in preference to any specific class rate.

Notation on distance commodity rate tariff.

Each tariff that contains distance or mileage commodity rates only must bear on its title-page the following rule:

Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage commodity rates they will take precedence over the distance or mileage commodity rates in such classification. They may not be used either by themselves or in combination in preference to any specific commodity rate.

Notation on distance tariff containing both class and commodity rates.

Each tariff that contains only distance or mileage class and commodity rates must bear on its title-page the following rule:

Class rates shown herein may be used only when no specific class rates have been provided. Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage rates they will take precedence over the distance or mileage rates in such classification. These class rates may not be used either by themselves or in combination in preference to any specific class rate, nor may these commodity rates be used either by themselves or in combination in preference to any specific commodity rate.

A distance tariff may be included in a tariff of specific rates, together with the following rule: "If the use of the distance tariff on page —— of this tariff makes a lower charge on any shipment than the specific rate shown in this tariff such lower charge will apply."

Official list of points and distances.

(*h*) Every carrier that uses a distance tariff, which is or may be used in connection with rates on interstate shipments, must incorporate therein an official list of all the points in connection with which the tariff may apply, showing in proper arrangement the distances between them; or must give therein reference by I. C. C. number to the issue that contains such list.

Separate tariff of lists of points, distances, prepay points, billing instructions, etc.

* (*i*) A carrier may issue a tariff publication under I. C. C. number containing an official list of its points and may show therein distances, prepay points, billing instructions to points not on line of road, etc. If such publication contains no rates and no rules or regulations that of themselves or in connection with a tariff which refers to it affect the charges on any shipment, supplements to and reissues of it may be made effective on one day's notice to the public and to the Commission. Each such supplement or reissue must bear on its title-page notation: "Issued under authority of Rule 10 (*i*), Interstate Commerce Commission Tariff Circular 18–A." Changes in numbers assigned to stations, distances, additions of new stations on old lines of road, or withdrawal of stations may be included in such reissue or supplement, but effective only upon statutory notice; and when any such change is made in a supplement to or reissue of such publication, each such change shall be specifically noted as effective on a date which gives full statutory notice, and the title page of such supplement or reissue shall bear notation: "Effective [date], except that changes in station numbers, distances, additions of new stations on old lines, and withdrawal of stations are effective [date] as shown in the items which contain such changes." No supplement to or reissue of such publication, whether issued under authority of this Rule or on statutory notice, or under special permission, may contain notice of any change effective prior to the effective date of the supplement or reissue. If, however, such publication contains any rate or any rule or regulation that can affect the charges upon any shipment, no change in the publication may be made except upon statutory notice or by special permission for shorter time.

Tank-line gauge books.

(*j*) NOTE.—The following may be used only in connection with publications such as are specified in paragraph (*j*) of this Rule, which are constructed and filed in accord with these regulations, and which are filed subsequent to November 9, 1908:

A tariff publication confined to information and regulations governing the use of tank cars may be issued, and, except as hereinafter specified, may be supplemented only on statutory notice or under special permission. Supplements to such publication which contain no changes except additions of cars not before listed, substitution of new cars for old cars, changes in ownership of cars, and corrections in capacities of cars already listed may be issued and made effective upon one day's notice to the Commission and to the public, as required by law.

In connection with this Rule, regulations as to number of supplements to a publication and the volume of supplemental matter that may be contained therein (Rule 9) must be observed; and when changes are made on short notice hereunder and are incorporated in supplement with other matter brought forward from previous supplement, such other matter must be plainly noted as reissued from a former supplement (see paragraph (*d*) of Rule 9), and no changes except those above specified may be included.

Index of tariffs.

*11. Each carrier shall publish under proper I. C. C. number, post, and file a complete index or tariffs which are in effect and to which it is a party either as an initial or a delivering carrier. Such index shall be prepared in sections, as follows, and shall show: (*a*) I. C. C. number; (*b*) carrier's own number; (*c*) index number; (*d*) initials of issuing road or agent; (*e*) issuing road or agent's number; (*f*) character of tariff or description of the articles upon which it applies; (*g*) where tariff applies from; (*h*) where tariff applies to.

NOTE.—Items (*b*), (*c*), and (*e*) may be omitted. Items (*f*), (*g*), and (*h*) will be stated in concise general terms.

Arrangement of Index.

First section.—A list of all the tariffs as to which the carrier is an initial carrier. Commodity tariffs to be entered alphabetically under names of commodities or principal commodities. Tariffs applying to different groups of the same commodity must be grouped together; e. g., "Lumber—hardwood;" "Lumber—yellow pine," etc.

Following the specific commodity tariffs will be entered the general commodity tariffs, the class and commodity tariffs, and the class tariffs. Under each of these heads the application of the tariffs will be described by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column.

Under the head of "Miscellaneous schedules" will follow list of schedules, such as billing books, classifications, exception sheets, switching tariffs, terminal charges, etc., each entered in alphabetical order.

Second section.—List of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers or agents, with the items arranged by commodities and classes under each of such carriers or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section, provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section.—A complete list of the numbers of tariffs of its own I. C. C. series arranged in numerical order.

If carrier so desires, lists of its intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Rates in this tariff do not apply to interstate shipments." Tariffs covering specific circus movements and supplements to tariffs need not be included in indices.

Revision and supplements. If any changes are made, the index must be revised to date, either by reissue each month or by supplement each month and reissue every twelve months. If supplements are used they must be numbered consecutively, must be constructed in accordance with specifications as to construction of index, and show additions, changes, and cancellations made in index or canceled supplement thereto.

Notation on title-page. Each index must bear on its title-page notations, as follows: "This index contains list of tariff publications in effect on [date of issue of index];" to which may be added, "or which have been filed to become effective at a later date as shown within." If supplements to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ———, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of supplement]; " to which may be added, "or which have been filed to become effective at a later date as shown within."

NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued

pening of navigation, it is necessary that such new iriff be supplemented to announce the opening of navi- ıtion, and the effective date of such announcement must ›t be prior to the effective date stated upon the tariff; , in lieu of the issuance of such supplement, the new riff may, in connection with and immediately following e rule governing restoration of rates, carry a provision as llows:

The effective date of this tariff is as shown on title-page d therefore no supplement announcing restoration of tes is required for the season of 19—.

(c) Where the tariff suspended or restored under this le applies to joint transportation by rail and river, or ıal, or inland lakes other than the Great Lakes, such iffs may be suspended or restored on a like notice of e day instead of three days.

Routes other than Great Lakes may suspend or restore on one day's notice.

(d) Supplements issued under this Rule announcing spension and restoration of rail-and-water and water tes in tariffs must not contain anything except such spension or restoration notice or notices. Only one ıch supplement announcing suspension or restoration f the rates in a tariff may be in effect at any time, and uch supplement will not be counted against the number of supplements permitted to such tariff under Rule 9 (*e*).

Supplements may contain.

Not counted against tariff.

(*e*) Rail-and-water and all-water rates suspended under this Rule may be reissued or amended during such period of suspension upon statutory notice the same as though the rates were in effect and active use, but the restoration of the rates by supplement notice will not ıdvance the effective date of any supplement to the ariff which has not on the date of restoration become ffective. Supplements made effective prior to the date f restoration will be made effective on a given date, or nay be stated to be "Effective with restoration of tariff nd supplements for season of 19— (to be announced by ubsequent supplement) but not earlier than [statutory ıotice] 19—, nor earlier than noted in individual items."

Suspended tariffs may be reissued or amended.

(*f*) Statutory notice of suspension, withdrawal, or estoration of rates or regulations must be given as to all ariffs that do not contain the provisions of paragraphs *a*) and (*b*) of this Rule.

(*g*) The provision of Rule 10 will also apply to carriers in rail and water lines and to tariffs applying on uch lines, and in addition thereto, if storage or transit privilege is given at port of transshipment on the Great

Storage and transit privileges.

Rule in tariff providing for suspension of rates.

The rates in this tariff and in supplements thereto [illegible] rail-and-water and all-water transportation are effect[illegible] only during the season of navigation of [here insert [illegible] name of water carrier or carriers named in the tar[illegible] until [here insert date upon which freight can be [illegible] warded from point of shipment and with reasonable [illegible] tainty reach the point of transshipment prior to the [illegible] sailing of water carrier]. From that date and until [illegible] nouncement by supplement to this tariff of the date which wholly suspends rates for the season, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel, the same will be forwarded via all-rail route and be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin; shipping receipts, bills of lading, and waybills must bear notation to this effect. The supplement announcing the close of navigation and the suspension of rail-and-water and all-water rates named in this tariff and in its effective supplements will be filed with the Interstate Commerce Commission and will be posted at points from which the rates apply not less than three days in advance of the date upon which the rates will be suspended from points of original shipment.

*When rates in a tariff which was effective during a previous season of navigation have been restored by supplement to that tariff, and such tariff is canceled by a new tariff for the approaching season which is filed to become effective upon a date subsequent to the date of such restoration, no supplement to the new tariff, announcing restoration of rates, is required.

Restoration of rail-and-water rates which are under suspension when new tariffs are filed for the approaching season of navigation.

When rates in the tariff which were effective during a previous season of navigation are not restored by supplement to that tariff but are cancelled by new tariff filed effective upon statutory notice, prior to the opening of navigation, it is necessary that such new tariff be supplemented to announce restoration of rates, which restoration must not be prior to the effective date stated upon the title-page of the new tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and following the rule governing the restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

When a new tariff which does not cancel a previous tariff is filed effective upon statutory notice, prior to the

opening of navigation, it is necessary that such new tariff be supplemented to announce the opening of navigation, and the effective date of such announcement must not be prior to the effective date stated upon the tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and immediately following the rule governing restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

Routes other than Great Lakes may suspend or restore on one day's notice.

(*c*) Where the tariff suspended or restored under this Rule applies to joint transportation by rail and river, or canal, or inland lakes other than the Great Lakes, such tariffs may be suspended or restored on a like notice of one day instead of three days.

Supplements may contain.

(*d*) Supplements issued under this Rule announcing suspension and restoration of rail-and-water and water rates in tariffs must not contain anything except such suspension or restoration notice or notices. Only one such supplement announcing suspension or restoration of the rates in a tariff may be in effect at any time, and such supplement will not be counted against the number of supplements permitted to such tariff under Rule 9 (*e*).

Not counted against tariff.

Suspended tariffs may be reissued or amended.

(*e*) Rail-and-water and all-water rates suspended under this Rule may be reissued or amended during such period of suspension upon statutory notice the same as though the rates were in effect and active use, but the restoration of the rates by supplement notice will not advance the effective date of any supplement to the tariff which has not on the date of restoration become effective. Supplements made effective prior to the date of restoration will be made effective on a given date, or may be stated to be "Effective with restoration of tariff and supplements for season of 19— (to be announced by subsequent supplement) but not earlier than [statutory notice] 19—, nor earlier than noted in individual items."

(*f*) Statutory notice of suspension, withdrawal, or restoration of rates or regulations must be given as to all tariffs that do not contain the provisions of paragraphs (*a*) and (*b*) of this Rule.

Storage and transit privileges.

(*g*) The provision of Rule 10 will also apply to carriers in rail and water lines and to tariffs applying on such lines, and in addition thereto, if storage or transit privilege is *given at port* of transshipment on the Great

Lakes in connection with a joint rail-and-water rate upon which shipment moves from point of origin, the initial carrier's tariff which contains such rate must also contain the privilege or the charge, or give specific reference by I. C. C. number to the tariff of the carrier that grants the privilege or performs the service which contains such regulations and charges connected therewith.

Filing of tariffs.

13. (*a*) Tariffs, classifications, and exception sheets and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement.

Concurrence.

Authorizing an agent to file tariffs.

If a carrier authorizes an agent to file its tariffs or classifications and exception sheets and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission.

Authority to agent may be revoked or transferred.

Such authority may be revoked by a carrier upon thirty days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by a full form authorization for the newly named agent.

Authorizations for agent and concurrences in his tariffs must be on file.

(*b*) If two or more carriers appoint the same person as agent for the filing of tariffs or classifications and supplements thereto, each of them will be required to file with the Commission power of attorney in form prescribed appointing him their agent; and the concurrence of every other carrier participating in any tariff or classification or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

Use of consolidated concurrences.

When consolidated form of concurrence FX6, FX7, or FX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive concurrences provided in Rules 23, 24, and 25, and the securing of new concurrences will be comparatively simple.

Joint agent will use his own I. C. C. serial number.

(*c*) Such joint agent duly authorized to act for several carriers must file joint tariffs or classifications or exception sheets under I. C. C. serial numbers of his own.

(*d*) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences, shown therein, rates via, and to and from points on other carriers' lines and concurring carriers may use such tariffs for posting at their stations. Such tariff must be filed by the issuing carrier and such filing will constitute filing for all lawfully concurring carriers.

Tariffs issued by a carrier under concurrences will be filed by it for all concurring.

(*e*) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

Send copies of joint publication to every participant therein.

(*f*) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates must not in its own publications publish rates that duplicate or conflict with those which are published by such authorized agent or other carrier.

Carrier must not publish rates conflicting with or duplicating rates published by its agent.

(*g*) If an agent publishes class rates and does not also publish commodity rates, such agent's class tariff must carry notation that the commodity rates of the carriers parties to the tariff are to be found in their individual issues, and that where so found they take precedence over class rates.

When agent files class, but not commodity rates.

If an agent publishes a part but not all of the commodity rates of the carriers for which he acts, all of his tariffs containing commodity rates must bear notation that commodity rates not shown therein are to be found in the carriers' individual issues, and where so found they take precedence over class rates.

*(*h*) Rates for through shipments are often made by adding together two or more rates. All State or other rates used in combination for interstate shipments must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act.

All State or other rates used for interstate shipments must be posted and filed.

14. *(*a*) The Act requires that all changes in rates, or in rules that affect rates, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, or must bear a plain notation of the number and date of the permission, or the Rule, or the decision of the Commission under which it is effective on less than Statutory notice.

Statutory notice or authority for shorter notice must be shown.

Receipt and filing of tariffs by Commission does not relieve carriers from liability for violation of Act or regulations thereunder.

(*b*) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs and amendments thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do, or for using any rate which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to a tariff, as in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

Thirty days' notice required for every publication filed.

(*c*) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

Tariffs must be delivered to Commission free from all charges or claims for postage, the full time required by law.

*(*d*) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days' notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days' notice required. For tariffs and supplements issued on short notice under special permission of the Commission full thirty days' notice is not required, but literal compliance with the requirements for notice named in any permission granted by the Commission will

be exacted and in accord with the policy and practice above outlined.

Rejected schedules.

(*e*) When a schedule is rejected by the Commission as unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication that is issued in lieu of such rejected schedule "In lieu of ——— rejected by Commission;" nor should the number which it bears be again used.

Rates prescribed in Commission's decisions must be promulgated in tariffs and Commission notified.

(*f*) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in case No. — has been complied with in item —, page — of —— tariff, I. C. C. No. —, or supplement — to —— tariff, I. C. C. No. —.

Maintenance of relative adjustment in issuing tariffs to conform with formal order of the Commission.

In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided,* all such changes made by authority of this Rule shall be effected by *reductions* in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Permission for less than statutory notice and notation on tariff.

Unless otherwise specified in the order in the case, such tariff or supplement may be made effective upon five days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this Rule *or under special* authority granted in the order *in the case, shall bear* on its title-page notation "In com-

pliance with order of Interstate Commerce Commission in case No. ——."

*If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Circulars announcing compliance with orders of court.

(*g*) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff rates or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

Numerical order of I. C. C. numbers of tariffs, or explanation of missing numbers, required.

(*h*) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as is possible carriers will file tariffs and supplements in consecutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

Two copies of tariffs must be filed.

(*i*) Common carriers and agents are directed, in filing schedules in compliance with the statute, to transmit two (2) copies of each tariff, supplement, classification, or other schedule of rates or regulations, for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Address for tariffs.

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Bureau of Tariffs, Washington, D. C."

Issuance of fast freight line billing books.

15. (*a*) Fast freight line billing or instruction books which are, by reference, made part of carrier's tariffs, are in effect tariffs. The following method of publication and filing of such books and of concurring therein may be followed:

The interested carriers may arrange for a carrier of their number to execute power of attorney Form FX1, appoint-

ing an agent with authority to issue the billing or instruction book in the name, place, and stead of the carrier giving the power of attorney. The publication must show on its title-page that it is issued by the person designated in the capacity of agent for the carrier that gives him power of attorney.

It will be sufficient for each of the other initial carriers that uses the billing or instruction book in connection with its tariffs to give concurrence in that book, running to the carrier that issues the book, on Form FX2 or FX5; and for all carriers that participate in the publication as intermediate or terminal carriers to each give general concurrence FX3 or FX4 in the tariffs issued by the carrier granting power of attorney, or its agent.

Concurrences Form FX3 will, without modification, include the billing or instruction books issued by a carrier to which such concurrence has been given, or by its agent under power of attorney, but if such publication names or affects rates *from* the stations on line of concurring carrier concurrence FX2, FX4, or FX5 must be used.

Tariff may refer to fast freight line billing books.

(*b*) A tariff may contain rates to base points which must be concurred in by intermediate and terminal carriers over the lines of which the rates apply to such base points, and when the issuing carrier is a party under proper form of concurrence or power of attorney in a billing or instruction book, such tariff may provide for the application of rates to points as specified in the billing or instruction book by specific provision in the tariff, and reference to the I. C. C. number of the billing or instruction book. It is not necessary that such tariff should specify names and concurrence forms and numbers of the intermediate and terminal carriers which are shown as participating carriers in the billing or instruction books. The billing or instruction book is made a part of the tariff by specific reference, and the carriers concurring in the billing or instruction book are thereby made lawful participants in the application of the rates named in the tariff to the points on concurring carrier's line, as authorized in the billing or instruction book.

Issuance of classification by joint agent.

16. (*a*) A carrier may grant to a joint agent authority to publish and file for it classification and supplements thereto and exceptions to the classification; or, such exceptions may be published by the carrier in its own issues, either *as parts of* individual tariffs or in a publication that *is given an I. C. C.* number, that is filed and posted as re-

quired, and that is devoted to such exceptions. (See Rule 3 (*e*).) Such exceptions and changes therein may be made only on statutory notice or under special permission for shorter time.

In so far as is reasonably practicable exceptions should be included in the tariff which they affect.

I. C. C. numbers of classification.

A joint agent to whom carriers have extended authority under power of attorney to publish and file classification and supplements thereto must issue them under his own I. C. C. numbers, must show in the classification a list of the carriers for which he acts under power of attorney, giving as to each the FX1 number of such authority, and must file the classification and supplements thereto on behalf of all of the carriers that have so authorized him to act for them; and such carriers will not file the classification or supplements thereto for themselves. The provisions of the law as to statutory notice must be observed in the issuance of supplements or reissue of the classification.

List of participating carriers.

Filing classification.

Showing participating carriers in supplements.

In showing the list of participating carriers in supplement the rule prescribed in Rule 9 will be followed.

If carrier does not authorize agent to file classification, carrier is bound to statutory notice.

(*b*) If a carrier fails to authorize an agent to file the classification for it and undertakes to file it for itself, it is bound by the terms of the law as to notice of change and date of filing, both as to the classification and each supplement thereto.

Power of attorney.

(*c*) In giving power of attorney for this purpose the form shown in Rule 18 may be modified by striking out from line 6 the word "tariffs," and, if desired, from line 7 the words "and exception sheets."

Concurrence.

If a carrier has given another carrier concurrence FX4, under which it concurs in classification which that other carrier or its agent may make and file, the carrier to which that concurrence is given may exercise the authority by its lawfully appointed agent, and the carrier which gave the authority be shown in the publication as participant under the form and number of its concurrence.

Joint tariffs issued by joint agents.

17. (*a*) It will be permissible for an agent and attorney for certain lines to join with another agent and attorney for lines in another territory in the issuance of tariffs, naming joint through rates from points in one territory to points in the other, or "between" points in the territories represented by such agents. In doing this each of such agents acts for the lines that have given him power of attorney FX1 and for the lines that have given proper

concurrences to the carriers that have given him such power of attorney; and for such lines only.

I. C. C. numbers and filing.

Such publication will bear I. C. C. numbers, under the serial of each of the agents, and each of the agents will file the publication and each and every supplement thereto for and on behalf of the roads for which he is attorney and agent and those that are participants under concurrences to the roads for which he is agent and attorney, just as if it were his individual publication on behalf of those carriers alone. Each of such agents will be held to strict conformity to the law and the tariff regulations regarding the construction of the tariff and notices of changes therein, and in filing the tariff and each and every supplement thereto.

Each agent acts only for carriers for which he has authority. Principals of each agent bound by his acts, and cross-exchange of concurrences not required.

(*b*) Under this arrangement each agent acts only for the carriers that he has due authority to act for. The principals of each are bound by the acts of their attorney and agent, and as each will file the tariff under his own I. C. C. number and for the roads which he lawfully represents, the cross-exchange of concurrences between all of the different roads represented on the one hand by one agent and on the other hand by the other agent will not be necessary as to that tariff.

Lists of participating carriers.

*(*c*) Such publication must show lists of participating carriers as follows: First, a list of the carriers from which one of the agents has power of attorney FX1, showing as to each the FX1 number of such authority, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence. Second, a list of the carriers for which the other agent is agent and attorney, with the FX1 number of his authority as to each, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence.

Each of these subdivisions of the participating carriers will be indicated by plain headlines, as, for instance, "Carriers for which ——— is agent and attorney, and carriers participating under concurrences to such carriers," and like notice for the other agent's list of principals and concurring carriers.

In order to avoid confusion and complications under this plan, *it is essential* that the agents adopting it shall *perfect their understandings* and that there shall be no

omission or neglect on part of either about filing under lawful notice any tariff so issued or any supplement thereto.

Form of appointment of agent.

18. The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

Cross-exchange of concurrences avoided.

If two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ——.

Form FX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

———————————————————

———————————————————

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its —— president and to be duly attested under its corporate seal by its secretary, at ———, in the State of ———, on this —— day of ———, in the year of our Lord nineteen hundred and ——.

THE [name of carrier],
By ——— ———,
Its ——— *President.*

Attest:

——— ———,
Secretary.

[CORPORATE SEAL.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs. Original form to be filed with Commission and duplicates furnished agent.

*For concurrence in tariffs issued and filed by another carrier or its agent forms prescribed in Rules 19 to 25, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has, therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26.

This does not invalidate or change the terms or effect of any power of attorney now on file.

19. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue. Form of concurrence.

omission or neglect on part of either about filing unde[illegible]e lawful notice any tariff so issued or any supplemen[illegible]n thereto.

Form of appointment of agent.

18. The following form, on paper 8 by 10½ inches i[illegible] size, will be used in giving authority to an agent to fil[illegible] for the carrier giving the authority tariffs and supple[illegible]le ments thereto. Such authority must not be given to a[illegible] association or bureau, and it may not contain authorit[illegible] to delegate to another power thereby conferred.

This form may be modified so as to confer the authorit[illegible] desired by omitting the words "(1) for it alone, and (2), [illegible]" or by omitting the words "and (2) for it jointly wit[illegible] other carriers."

Cross-exchange of concurrences avoided.

If two or more carriers execute this form containin[illegible] the words "for it jointly with other carriers" in favor [illegible] a joint agent it will not be necessary for those carriers t[illegible] exchange concurrences *with each other* as to the joi[illegible] tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION[illegible]

[Name of carrier in full.]

[Date] ———, ——.

Form FX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

———————————————————————

———————————————————————

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its —— president and to be duly attested under its corporate seal by its secretary, at ———, in the State of ———, on this —— day of ———, in the year of our Lord nineteen hundred and ——.

THE [name of carrier],
By ——— ———,
Its ——— *President.*

Attest:

——— ———,
Secretary.

[CORPORATE SEAL.]

Original form to be filed with Commission and duplicates furnished agent.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs.

* For concurrence in tariffs issued and filed by another carrier or its agent forms prescribed in Rules 19 to 25, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has, therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26.

This does not invalidate or change the terms or effect of any power of attorney now on file.

Form of concurrence.

19. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ——.

Form FX2—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number: [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ———, ——.

Date effective: ———, ——.

Issued by { [Official.] / [Company.] }

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Concurrence accompanying tariff.

The original of this form will be filed with the Commission by the carrier or agent who files the tariff and will accompany the tariff.

Form of concurrence.

20. Concurrence may be given by any carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or delivering line, after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ——.

Form FX3—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, in which it is shown as a participating carrier, and hereby makes it a party to and bound thereby in so far as such sche

contains rates applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

21. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to or from its points or via its lines, on certain described traffic or between certain described points or territories, after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file rates to and from and via its lines, and not otherwise qualified, carrier will use concurrence form FX5 or FX7, as per Rules 22 and 24:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX4—No.—.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or via ———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given.

Form of concurrence.

22. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates *to* and *from* its points and via its lines and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ———

Form FX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

23. If two or more carriers appoint the same person agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

D WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

—No. —.

ERSTATE COMMERCE COMMISSION,
Washington, D. C.:

:o certify that the [name of carrier] assents to 's in the publication and filing of any freight- ıle or supplement thereto which the [here give roads for which the agent has powers of attor- :her or any of them, may make and file through and attorney [name of agent], and in which it is ı participating carrier, and hereby makes itself and bound thereby in so far as such schedule ıtes applying via its line, and to but not from 'eon, until this authority is revoked by formal . notices of revocation placed in the hands of ate Commerce Commission and of the carrier his concurrence is given, or of its agent and rein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

ssuing this form will file the original with the ı and will furnish duplicate to each of the car- l in the concurrence, or, if each of those car- ;iven said agent power of attorney to receive urrences, original will be filed with the Com- l one duplicate may be filed with such agent furnishing duplicates to each and every carrier by him. Filing.

'o or more carriers appoint the same person as :he publication and filing of tariffs and supple- ɜto under powers of attorney form FX1, con- ı tariffs issued by him under such authority the following form: Form of concurrence.

) WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

—No. —.

ERSTATE COMMERCE COMMISSION,
Washington, D. C.:

o certify that the [name of carrier] assents to 's in the publication and filing of any freight- ıle or supplement thereto which the [here give

omission or neglect on part of either about filing under lawful notice any tariff so issued or any supplement thereto.

Form of appointment of agent.

18. The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

Cross-exchange of concurrences avoided.

If two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ——.

Form FX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

———————————————————————

———————————————————————

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its —— president and to be duly attested under its corporate seal by its secretary, at ———, in the State of ———, on this —— day of ———, in the year of our Lord nineteen hundred and ——.

THE [name of carrier],
By ——— ———,
Its ——— *President.*

Attest:

——— ———,
Secretary.

[CORPORATE SEAL.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs. Original form to be filed with Commission and duplicates furnished agent.

*For concurrence in tariffs issued and filed by another carrier or its agent forms prescribed in Rules 19 to 25, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has, therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26.

This does not invalidate or change the terms or effect of any power of attorney now on file.

19. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue. Form of concurrence.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX2—No. —.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number: [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ———, ——.
Date effective: ———, ——.

Issued by { [Official.] / [Company.] }

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Concurrence accompanying tariff.

The original of this form will be filed with the Commission by the carrier or agent who files the tariff and will accompany the tariff.

Form of concurrence.

20. Concurrence may be given by any carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or delivering line, after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX3—No. —.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule

contains rates applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

21. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to or from its points or via its lines, on certain described traffic or between certain described points or territories, after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file rates to and from and via its lines, and not otherwise qualified, carrier will use concurrence form FX5 or FX7, as per Rules 22 and 24:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX4—No.—.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or via ———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given.

Form of concurrence.

22. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates *to and from* its points and via its lines and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

23. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX6—No. —.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

Form of concurrence.

24. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX7—No. —.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give

list of all roads for which the agent has powers of attorney], or either or any of them may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

Form of concurrence.

25. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority applying to or from certain points or territory may be issued in the following form, modified as may be necessary to confer exactly the authority intended to be granted:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Form FX8—No. —.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or

from ——— to points on or reached via its line; or from points on or via its line to ——— until this authority is revoked by formal and official notice of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicate to each and every carrier represented by him.

NOTE.—Concurrence, form FX2, applies to individual publication named therein. Concurrence, form FX3 or FX6, confers authority to publish and file rates to, but not from, points on line of concurring carrier, and via its lines. Concurrence, form FX5 or FX7, confers authority to publish and file rates to and from points on line of concurring carrier, and via its lines. Forms FX3, FX5, FX6, and FX7 are not to be modified except as specified in the Rules. The use of these several forms as provided will, therefore, show by the form number just what authority has been given, except when form FX4 or FX8 is used, these forms being provided for instances which the other forms do not exactly fit. The Commission does not require the substitution of concurrence form FX5 for form FX4, now on file, which covers only the authority provided for in the new form FX5, but will welcome such substitution. For all new concurrences forms will be used as specified in the several Rules, and FX4 or FX8 only when neither of the other forms provides for the authority it is desired to confer.

Number of concurrences and authorizations.

26. *(*a*) Each carrier will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from the I. C. C. numbers of tariffs. (See paragraph (*f*) of this Rule.) Concurrences must be given to carriers named therein and authority so granted to a carrier may be by it delegated to its lawfully appointed agent.

Concurrences must be given to carriers.

Separate concurrences for freight and passenger tariffs.

Separate concurrences will be given for freight and passenger tariffs.

Revocation effective.

(b) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective and must give at least sixty days' notice to the Commission and to the carrier to which concurrence was given. Corresponding revision of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be made for the sole purpose of making such change lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

Liability of carrier for failure to change tariff when concurrence is revoked.

*Change in a tariff is effective when and only when the tariff as filed and posted is changed. Change effected by revocation of concurrence can not be known to the public or to the agents of carriers until it appears in the regular way in the tariff. A carrier that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory rate or regulation on the date upon which revocation becomes effective. The public has the right to use the rates shown in a lawfully filed and published tariff. The Rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked, the carrier that publishes the tariff neglects to make change therein as provided in this Rule, shippers are entitled to have shipments moved as provided in the tariff, and the carrier that so neglects to correct its tariff will be held liable to other carriers for the difference in charges under the tariff as it is and as it would be if it had been corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals, as traffic is tendered to them as initial carriers.

Subsidiary or small-line tariffs.

(c) Subsidiary or small lines which do not wish to issue concurrences or tariffs may give to the parent or other line power of attorney to concur in tariffs, and also general concurrence FX4 or FX5, to file tariffs, and the carrier holding such authority and concurrence may give, and also receive, concurrences for itself and the lines for which it acts in one instrument. Such subsidiary or small lines must, however, be named in concurrences so given. In giving power of attorney to concur in tariffs, form FX1 will be modified by striking out from line six the word "file" and substituting the following therefor: "to give and receive concurrences in."

(*d*) In giving concurrences care must be taken to avoid probability of two or more agents or carriers naming conflicting rates or rules.

Conflicting authority to be avoided.

(*e*) The granting of authority to issue tariffs under power of attorney, or concurrence, does not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

Carrier issuing authority or concurrence is not relieved from duty of posting tariffs.

*(*f*) All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper 8 x 10½ inches in size.

Quality and size of paper.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown, in upper right-hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorneys or certificates of concurrence, as the case may be, to be canceled.

Serial number on upper right-hand corner.

Each power of attorney or certificate of concurrence filed must show the post-office address of the issuing officer in the date line preceding body of form.

Joint concurrences of two or more carriers under same traffic officer.

When a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the carriers for whom the common traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each road, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (*a*) of this Rule.

27. All tariffs that are filed with the Commission shall be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

Letter of transmittal.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ——.

Advice No. ———.
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

Accompanying schedule is sent you for filing, in compliance with the requirements of the Act to regulate commerce, issued by————, and bearing

I. C. C. No. —.
Supp. No. —, *to* I. C. C. No. —.
Effective ———, *19*—;

and is concurred in by all carriers named therein as participants, under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

_____

_____

_____

[Signature of filing agent.]

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can conveniently be entered.

NOTE.—If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

PASSENGER FARE SCHEDULES.

A star (*) denotes that a change or addition has been made in either the rule or paragraph.

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*When provisions for rejection of publications that do not conform to these regulations have been omitted it is to avoid conflict with the penalties provided in section 6 of the Act for failure to comply with rules and orders of the Commission issued under that section.

*Tariffs that were lawfully on file with the Commission on June 1, 1907, and that have not since that time been superseded or canceled, will be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must conform to all of these rules. The Commission may direct the reissue of any tariff at any time.

The term "joint fare," as used herein, is construed to mean a fare that extends over the lines of two or more carriers and that is made by joint arrangement or agreement between such carriers.

"Joint tariffs" are those which contain or are made up from such "joint fares."

Tariffs must be printed.

28. (*a*) All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing, except in preparation of tariffs covering excursion fares that are effective for not exceeding ten consecutive selling dates or for excursions limited to thirty days or less.

Changes to be indicated in tariff or supplement.

*(*b*) All tariff publications or supplements thereto must indicate increases thereby made in existing fares or charges, rules or regulations, by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto

which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing fares or charges, rules or regulations, by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

*(c) When a new tariff canceling a previous tariff omits points of origin or destination or fares which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (e) of Rule 37, where the fare or fares will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Four classes of tariffs.

29. Passenger tariffs will be of four classes:

(a) Joint tariffs, applying to traffic between points on the lines of two or more carriers.

(b) Local tariffs, applying only to traffic between points on the lines of the issuing carrier.

(c) Interdivision tariffs, applying only to traffic between points on different divisions of the lines of the issuing carrier, except that, under proper concurrences, shown in the tariff, interdivision fares may be included to and from points on directly connecting subsidiary lines. When this is done, the title of tariff must be "Interdivision tariff of [name of carrier] and its subsidiary lines," and each such subsidiary line must be shown in list of participating carriers, together with the form and number of its concurrence. The use of interdivision tariffs will be optional with carriers.

(d) Basing tariffs, containing fares to or from certain specified basing point or points for use in constructing through fares between points where no specific through or joint fare exists, together with definite rules and regulations as to use and application of such basing fares.

Size and form of tariffs.

*30. Local and interdivision tariffs containing local or interdivision fares may be in book form, not larger than 8 by 11 inches, or in single-sheet form of size desired by issuing carrier. All other tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 38 (d).)

Local tariffs.

31. Local tariffs may be in one or more books or pamphlets and must show the exact fare from each point to each other point on the lines of the issuing carrier.

Fares to and from newly established points may be shown in supplement to tariff as "same as to or from next more distant point to or from which fare is shown in tariff," or "same as to nearest point to or form which fare is shown in tariff," or by showing fare to or from a nearby point or junction and providing that fares will be made up on that combination or base. If desired, certain of the fares which appear in local tariffs may be repeated in interdivision or joint tariffs under specific provision that as shown is such interdivision or joint tariff they may be used only for basing or through fare construction purposes, and may not be used as local fares.

Contents of interdivision tariffs.

32. Interdivision tariffs shall show:

(a) The exact fares between each point on one division and each point on the other division or divisions to which the tariff applies; or

(*b*) The exact fares between each point on a division and the principal points on the other division or divisions to which the tariff applies, together with explicit rules and bases from which to determine the fares to and from each of the less important points on the division or divisions to which the tariff applies and which are not named in the tariff.

Title-page shall show:

33. The title-page of every tariff shall show:

Name of carrier or agent.

(*a*) Name of issuing carrier, carriers, or agent.

I. C. C. number and cancellations.

(*b*) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs and supplements canceled thereby. If, however, the number of canceled tariffs is so large as to render it impracticable to thus enter them, they must be shown immediately following table of contents, and specific reference to such list must be entered on title-page immediately under the number of the tariff. Serial numbers of carrier may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

Kind of tariff.

(*c*) Whether tariff is local, interdivision, basing, or joint.

Territory.

(*d*) The territory or points from and to which the tariff applies, briefly stated.

Dates.

(*e*) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under *special permission from* the Commission, upon shorter *notice. Therefore,* a provision in a tariff that the tariff

or any part of it, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ———, unless sooner canceled, changed, or extended," must be used.

Expiration notice.

Only one supplement.

(*f*) On upper left-hand corner (excepting tariffs issued in loose-leaf form, and tariffs issued by authority of Rule 52) the words: "Only one supplement to this tariff may be in effect at any time." On tariffs issued in loose-leaf form and on tariffs issued by authority of Rule 52 the words: "No supplement will be issued to this tariff except for the purpose of canceling the tariff." (See Rules 38 and 52.)

On a tariff which provides for suspension and restoration of rail-and-water fares, as authorized by Rule 40, the following exception should be made in connection with the above notations: "except as provided for in rule — (or item —), page —, of this tariff."

When issued by special permission or order of Commission on less than statutory notice.

(*g*) On every tariff or supplement that is issued on less than thirty days' notice by permission from or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] —— or by authority of Rule —, Tariff Circular 18–A, or by authority of decision of the Commission in case No. —. (See Rule 41.)

Notation on excursion tariff.

(*h*) On every excursion tariff issued under Rule 52 notation, "Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular 18–A."

Officer issuing.

(*i*) Name, title, and address of officer by whom tariff is issued.

Tariffs shall contain:

34. Tariffs shall contain, in the order named:

Table of contents.

(*a*) Table of contents: A full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(*b*) Names of issuing carriers, including those for which joint agent acts under power of attorney, and names of carriers participating under concurrences, both alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of the power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Names of participating carriers.

Show concurrence forms and numbers.

Tariffs containing round-trip excursion fares and instructions as to sale and use of tickets thereunder must show a full list of carriers, parties thereto, or must give reference by I. C. C. numbers to the tariffs on which such excursion fares are based; must bear notation that the same carriers that are parties to the tariffs so referred to are, under the authorities and concurrences there shown, parties to the excursion-fare tariff, and provision that tickets must not be sold thereunder via the line of any carrier that is not specified as party to the tariff or tariffs so referred to.

Excursion-fare tariffs must show, or refer to, list of participating carriers.

(*c*) Alphabetically arranged and complete index of points from which the tariff applies, and alphabetically arranged and complete index of points to which the tariff applies, together with the name of State in which located. If there be not more than twelve points of origin and twelve points of destination, they may, if practicable, be shown on title-page of tariff.

Index of stations.

* Geographical description of application of tariff may be used only when the tariff applies from or to all points in one or more States or Territories, or when it applies to all points in a State or Territory except those specified. But such list of exceptions for a State may not include more than 50 points. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Geographical description of application of tariffs.

Traffic territorial or group descriptions may be used to designate points to or from which fares named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points on each line of road must be grouped together alpha-

Traffic territorial or group description of application of tariffs.

If points of origin and destination are arranged alphabetically, index of points may be omitted.

betically and under the name of the road. If in naming fares in the tariff, points of origin and of destination are arranged alphabetically, or alphabetically by States or roads, alphabetical index of points may be omitted.

Limiting use of term "common points."

The terms "common points," "Southeastern territory," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which fares named therein apply unless a full list of such points is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list.

Reference marks and abbreviations.

(*d*) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule applying to a particular fare, shall be shown in connection with and on the same page with such fare.

Routing under tariff.

(*e*) Routing under the tariff. If the fares apply via more than one route or gateway, the route or gateway shall be shown in connection with the fare, or the different routes shall be specified and each route be given a number, in which event the routing to each point of destination named in the tariff will be shown by placing opposite thereto, in a column headed "Route," the proper route number or numbers.

Explanation of fares and rules.

(*f*) Such explanatory statement in clear and explicit terms regarding the fares and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

★(*g*) Rules and regulations which govern the tariff, the title of each page or regulation to be shown in bold type. Under this head the rules, regulations, or conditions which affect the fares named in the tariff shall be entered, except that a special rule applying to a particular fare shall be shown in connection with and on the same page with such fare.

No rule shall authorize substituting fare found in any other tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any fare named in the tariff a fare found in any other tariff, or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part. These rules shall include the general baggage regulations, and also schedule of excess-baggage rates (except when such excess-baggage rates are shown in tariff in connection with the fares), the general rules governing stop-over privileges, extension of time on limited tickets because of illness or quarantine, and honoring of tickets that have not been properly

General rules regarding stop-overs and baggage.

Excess-baggage rates.

validated. If such general rules are filed in separate tariffs of the individual carriers a joint tariff may refer to them by I. C. C. numbers or "as lawfully on file with the Interstate Commerce Commission." An individual carrier filing such rules in a separate tariff shall refer to same by I. C. C. number.

Side trips.

If side trips for passengers at free or reduced rates limited to holders of through tickets are granted, the tariff under which the through ticket is sold must show the side trips that will be furnished, or must state that side trips will be furnished as per the tariffs of the individual carriers "lawfully on file with the Interstate Commerce Commission."

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post and file a tariff publication containing the rules and regulations which are to govern certain fare schedules, and such publication may be made a part of such fare schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —."

When a tariff makes reference to another tariff, the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A fare schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

The fares.

*(*h*) The fares, explicitly stated in cents or in dollars and cents, together with the names of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated or ambiguous plans or terms must be avoided.

Fares in connection with stage routes, etc.

The Commission has decided that a joint fare may not be made with a carrier that is not amenable to the Act. Therefore tariffs containing fares applying in connection with stage routes or fares which include hotel accommodations or admission to entertainments must separately show the carrier's portion of such fares, and such portions of fares must be alike to all, regardless of whether or not passenger purchases ticket for stage line or desires the other accommodations mentioned.

Tariffs naming fares for excursions may state such fares in such terms as "One first-class fare for the round trip," "One first-class fare and a third for the round trip," "One first-class fare plus ——— dollars for the round trip," and must give specific reference by I. C. C. number or numbers to the tariff or tariffs containing such first-class fares.

Arrangement of points in local tariffs.

35. (*a*) In naming fares in local passenger tariffs points will be arranged geographically, and the points on main line shall appear first in order, followed by points on branch lines diverging from main line. The points on a branch line will be separated from main line and other branch-line points by rule. The point of divergence from main line shall be shown at the top of the branch-line points, but fares to and from such point of divergence need not be repeated. Points shown at the top of column of fares will be known as "head-line points," and each column will be designated by a letter, or, if necessary, by a combination of letters or of letters and numerals. Points shown at the side of the columns of fares will be known as "side-line points," and will be numbered consecutively. The alphabetical index of points provided for in Rule 34 will show the location of fares to or from each point by head-line letters and side-line numbers.

Head-line points.

Side-line points.

Arrangement of points in inter-division tariff.

(*b*) Interdivision tariffs may be arranged geographically or alphabetically, but if arranged geographically the rule in paragraph (*a*) of this Rule will be followed.

Through tickets when no joint fares apply.

36. A carrier may apply to through tickets fares to or from points to or from which no joint fare is published by using lawfully published bases, locals, or proportionals in connection with other lawfully published tariffs. Tariffs containing basing fares must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing fares must show the I. C. C. numbers of tariffs in which bases can be found. In making up a combination fare all limitations which a tariff places upon the use of a basing, proportional, or arbitrary fare must be fully observed.

* A carrier may incorporate in a tariff the following rule:

Fares to destinations or from points of origin not shown in this tariff will be made by adding the fares shown in this tariff to the fares shown in other tariffs lawfully on file with the Interstate Commerce Commission, provided that if the fare so made exceeds the fare to or from a point beyond on the same through line as shown in this tariff,

the latter fare will apply. Fares so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

Tariff or supplement to tariff shall specify cancellations.

37. (*a*) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to a tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; and such supplement to such tariff so amended shall be filed at the same time and in connection with the tariff which contains the new fares.

Cancellation must be by authorized agent or by carrier that issued the tariff canceled.

(*b*) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and therefore it is permissible for him to cancel by his tariffs issues of such principals.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time, and as per paragraph (*a*) of this Rule.

Concurrence does not confer authority to cancel.

(*c*) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs, issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. Such cancellations must be made by the carrier that issued the tariff that is to be canceled.

Cancellation notice must be by supplement.

(*d*) If a tariff is canceled with the purpose of canceling entirely the fares named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new I. C. C. number, but must be issued as a supplement to the tariff which it cancels, even though such tariff may at the time have a supplement in effect.

Cancellation notice shall specify where fares will thereafter be found.

(*e*) If a tariff or part of a tariff is canceled, the cancellation notice shall make specific reference to the I. C. C. number of tariff in which the fares will thereafter be found, or if combination fares are to apply, or if no fares or arrangements in effect, shall so state. Cancellation of a tariff also cancels supplement to such tariff, if any in effect. *If a tariff is* canceled by the issuance of a similar

tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in paragraph (*b*) of Rule 33. (See Rule 28 (*c*).)

Cancellation by item numbers.

*(*f*) When the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41–A cancels item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective fares are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.

Amendments and supplements.

38. (*a*) A change in a tariff shall be known as an amendment and, excepting amendments to tariffs issued in loose-leaf form, and changes in tariffs issued by authority of Rule 52, shall be printed in a supplement to the tariff which it amends, specifying such tariff by its I. C. C. number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to that tariff that are in force. Supplements to a tariff shall be numbered consecutively as supplements to that tariff and shall not be given new or separate I. C. C. numbers. An amended item must always be printed in supplement in its entirety as amended.

Amended item must be shown in full.

Participating carriers; how shown in supplement.

(*b*) A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff, except [here show alphabetically all additions to and eliminations from the original list that are effected by the supplement, or that have been effected by previous supplements]."

Show effective date of reissued items and I. C. C. reference.

*(*c*) A tariff which contains reissued items brought forward from a previous issue which has not been in effect thirty days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation "Effective —— except as noted in individual items." Example: "Issued ——, 19—, effective 19—, except as noted in individual items." Reissued items brought forward without change must show in conspicuous form and convenient manner the following: "Reissue (in black-face type), effective [date upon which item became effective] in I. C. C. No. —" or "in

Supplement No. — to I. C. C. No. —." When the reissued item became effective in a former supplement to the same tariff the I. C. C. number may be omitted, but the supplement number must be given.

Items reissued from publications that were on file prior to June 1, 1907, may show last date and reference prior to June 1, 1907.

Only one supplement.

*(*d*) Except as provided in Rules 37 (*d*), 38 (*i*), 39, and 40 (*d*), there shall at no time be more than one supplement in effect to any tariff, and such effective supplement to a tariff of 20 or more pages may not contain more than 20 per centum of the number of pages in the tariff, including title page. Supplement to a tariff of less than 20 pages may not contain more than two pages, including title page.

NOTE.—Tariffs that were filed prior to June 1, 1907, may not be further supplemented after November 1, 1909, except by bringing, and thereafter maintaining, the amendments to that tariff within one effective supplement.

No supplement to excursion-fare tariff issued under Rule 52.

No supplement may be issued to any excursion-fare tariff that is issued on less than statutory notice under the provisions of Rule 52, except for the purpose of canceling the tariff.

Amendments to loose-leaf tariffs: No supplement.

All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in Rule 28 (*b*), and when no change or addition is made in one of the pages reprinted it must bear notation "No change in this page." Such pages must not be given supplement numbers but must be designated "First revised page —," "Second revised page —," etc., must show the I. C. C. number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

Supplements to periodical tariffs.

(*e*) If a tariff provides that it will be reissued periodically at specified times, not more than six months apart, and the life of the tariff does not exceed six months, and such provision is strictly observed, the supplement to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page notation "This tariff will be reissued effective on or before ——, 19—."

Suspension of tariff publications containing increased rates.

★ (*i*) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff, fare, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that fares theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which fares, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also give reference by I. C. C. number or numbers to the tariff or tariffs in which the fares, charges, or regulations applicable during the period of suspension will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When Commission's order of suspension is vacated.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the fare, charge, or regulation becomes effective.

Notation on supplement.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

validated. If such general rules are filed in separate tariffs of the individual carriers a joint tariff may refer to them by I. C. C. numbers or "as lawfully on file with the Interstate Commerce Commission." An individual carrier filing such rules in a separate tariff shall refer to same by I. C. C. number.

Side trips.

If side trips for passengers at free or reduced rates limited to holders of through tickets are granted, the tariff under which the through ticket is sold must show the side trips that will be furnished, or must state that side trips will be furnished as per the tariffs of the individual carriers "lawfully on file with the Interstate Commerce Commission."

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

A carrier or an agent may publish, under I. C. C. number, post and file a tariff publication containing the rules and regulations which are to govern certain fare schedules, and such publication may be made a part of such fare schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —."

When a tariff makes reference to another tariff, the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A fare schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

The fares.

★(*h*) The fares, explicitly stated in cents or in dollars and cents, together with the names of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated or ambiguous plans or terms must be avoided.

Fares in connection with stage routes, etc.

The Commission has decided that a joint fare may not be made with a carrier that is not amenable to the Act. Therefore tariffs containing fares applying in connection with stage routes or fares which include hotel accommodations or admission to entertainments must separately show the carrier's portion of such fares, and such portions of fares must be alike to all, regardless of whether or not passenger purchases ticket for stage line or desires the other accommodations mentioned.

official circulars, and of its own numbers of its tariffs or division sheets may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Fares in this tariff do not apply to interstate journeys."

Notation on title-page.

Each index must bear on its title-page notations as follows: "This index contains lists of tariff publications in effect on [date of issue of the index]," to which may be added: "or which have been filed to become effective at a later date, as shown within." If supplement to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ———, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation: "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of the supplement]," to which may be added: "or which have been filed to become effective at a later date, as shown within."

*NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued thereto and which do not bear notation that they will be reissued on or before a specified date, the rule heretofore in effect as to supplements must be continued. Such indexes may be brought within the provisions of the above rule as to supplements by reissue. A specified date for reissue stated on an index now on file must be observed.

Date of issue, but no effective date.

The title-page of index or of supplement must show the date of issue thereof, which must correspond to date shown in notations above, and must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

*NOTE.—This rule is also in rules governing freight tariffs. One index containing both passenger and freight tariffs may be filed, but if both are included in one index it must be given an I. C. C. number in both freight and passenger series and four copies must be sent to the Commission.

Suspension and restoration of rail-and-water fares.

40. Tariffs containing rail-and-water fares or all-water fares applicable via routes upon which it is necessary to close navigation during a portion of the year, and which do not become effective and expire by specified expiration within the same season of navigation, may provide for suspension and restoration of the rail-and-water fares and the all-water fares named therein under the following regulations:

(*a*) The following notation shall appear on the title-page of the tariff:

Notation on title-page of tariff.

The fares named herein for rail-and-water or all-water transportation are subject to suspension at the close of navigation and restoration on the opening of navigation of [here insert the name of the water carrier or carriers specified in the tariff] on notice as provided on page —— of this tariff.

(*b*) In the rules governing the tariff shall appear the following:

Rule in tariff providing for restoration of fares.

In anticipation of the opening of navigation of [here insert name of water carrier or carriers named in the tariff] restoration of the rail-and-water and all-water fares contained in this tariff and in effective supplement thereto which was in force on the date the fares were last suspended or which has subsequently been made effective, will be announced by supplement to this tariff, which will be filed with the Interstate Commerce Commission, be posted at points from which the fares apply, and become effective not less than three days thereafter.

Rule in tariff providing for suspension of fares.

The fares in this tariff and in supplement thereto for rail-and-water and all-water transportation are effective only during the season of navigation of [here insert the name of water carrier or carriers named in the tariff]. The supplement announcing the close of navigation and the suspension of rail-and-water and all-water fares named in this tariff and its effective supplement will be filed with the Interstate Commerce Commission and will be posted at points from which the fares apply not less than three days in advance of the date upon which the fares will be suspended.

*When fares in a tariff which was effective during a previous season of navigation have been restored by supplement to that tariff, and such tariff is canceled by a new tariff for the approaching season which is filed to become effective upon a date subsequent to the date of such restoration, no supplement to the new tariff announcing restoration of fares is required.

Restoration of rail-and-water fares which are under suspension when new tariffs are filed for the approaching season of navigation.

*When fares in the tariff which were effective during a previous season of navigation are not restored by supplement to that tariff but are canceled by new tariff filed, effective upon statutory notice, prior to the opening of navigation it is necessary that such new tariff be supplemented to announce restoration of fares, which restoration must not be prior to the effective date stated upon the title-page of the new tariff; or, in lieu of the issuance of *such supplement,* the new tariff may, in connection

with and following the rule governing the restoration of fares, carry a provision as follows:

The effective date of this tariff is as shown on title-page, and therefore no supplement announcing restoration of fares is required for the season of 19—.

When a new tariff which does not cancel a previous tariff is filed effective upon statutory notice, prior to the opening of navigation it is necessary that such new tariff be supplemented to announce the opening of navigation, and the effective date of such announcement must not be prior to the effective date stated upon the tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and immediately following the rule governing restoration of fares, carry a provision as follows:

The effective date of this tariff is as shown on title-page, and therefore no supplement announcing restoration of fares is required for the season of 19—.

Routes other than Great Lakes may suspend or restore on one day's notice.

(c) Where the tariff suspended or restored under this rule applies to joint transportation by rail and river, or canal, or inland lakes other than the Great Lakes, such tariff may be suspended or restored on a like notice of one day instead of three days.

Supplement may contain.

(d) Supplement issued under this rule announcing suspension and restoration of rail-and-water and all-water fares in tariffs must not contain anything except such suspension or restoration notice, and such supplement will not be counted against the number of supplements that is permitted as to such tariff under Rule 38.

Not counted against tariff.

Suspended tariffs may be reissued or amended.

(e) Rail-and-water and all-water fares suspended under this rule may be reissued or amended during such period of suspension upon statutory notice the same as though the fares were in effect and active use, but the restoration of the fares by supplement notice will not advance the effective date of any supplement to the tariff which has not on the date of restoration become effective.

Supplements made effective prior to the date of restoration will be made effective on a given date, or may be stated to be "Effective with restoration of tariff and supplement for season of 19— (to be announced by subsequent supplement) but not earlier than [statutory notice] 19—, nor earlier than noted in individual items."

(f) Statutory notice of suspension, withdrawal, or restoration of fares or regulations must be given as to all

tariffs that do not contain the provisions of paragraphs (*a*) and (*b*) of this Rule.

Filing of tariffs.

41. (*a*) Tariffs and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement. If a carrier authorizes an agent to file its tariffs and supplements thereto or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission. Such authority may be revoked by a carrier upon thirty days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by full-form authorization for the newly named agent.

Authorizing an agent to file tariffs.

Authorizations for agent and concurrences in his tariffs must be filed.

(*b*) If two or more carriers appoint the same person as agent for the filing of tariffs and supplements thereto, each of them will be required to file with the Commission power of attorney, in form prescribed, appointing him their agent; and the concurrence of every other carrier participating in any tariff or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

Use of consolidated concurrences.

When consolidated form of concurrence PX6, PX7, or PX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive concurrences provided in Rules 47, 48, and 49, and the securing of new concurrences will be comparatively simple.

Joint agent will use his own I. C. C. serial numbers.

(*c*) Such joint agent duly authorized to act for several carriers must file joint tariffs under I. C. C. serial numbers of his own.

Issuing carrier will file tariff for all carriers party thereto.

(*d*) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences shown therein, fares via, and to and from points on other carriers' lines, and concurring carriers may use such tariffs for posting at their stations. Such tariffs must be filed by the issuing carrier, and such filing will constitute filing *for all lawfully concurring* carriers.

Send copies of joint publication to every carrier party thereto.

(*e*) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

Avoid conflict between tariffs.

(*f*) A carrier that grants authority to an agent or to another carrier to publish and file certain of its fares must not in its own publications publish fares in conflict with those which are published by such authorized agent or other carrier, or which duplicate such fares except as provided in Rule 31.

All State or other fares used for interstate movements must be posted and filed.

* (*g*) Fares for through tickets are often made by adding together two or more fares. All State or other fares used in combination for interstate movements must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act.

Tariff must show full 30 days' notice.

(*h*) The Act requires that all changes in fares, or in rules that affect fares, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, except as provided in paragraph (*g*) of Rule 33.

Receipt and filing of tariffs by Commission does not relieve carriers from liability for violation of Act or regulations thereunder.

(*i*) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs, and supplements thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure to do so or for using any fare which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff or supplement to a tariff, is in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

Thirty days' notice on every publication.

(*j*) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

Tariffs must be delivered to Commission, free from all charges or claims for postage, the full time required by law.

* (*k*) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days' notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days required. For tariffs and supplements issued on short notice under special permission of the Commission, and short-time excursion tariffs issued under Rule 52, full thirty days' notice is not required, but literal compliance with the requirements for notice named in said Rule or in any permission granted by the Commission will be exacted and in accord with the policy and practice above outlined.

Rejected schedules.

(*m*) When a schedule is rejected by the Commission as unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication issued in lieu of such rejected schedule "In lieu of ——, rejected by Commission;" nor shall the number which it bears be again used.

Fares prescribed in Commission's decisions must be promulgated in tariffs and Commission notified.

(*n*) Fares prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs or supplements to tariffs and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page —, of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —

Maintenance of relative adjustment in issuing tariffs to conform with formal order of the Commission.

In establishing fares or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the fare or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order adjustment at other points in order to preserve established grouping or relation of points: *Provided*, all such changes made by authority of this rule shall be effected by *reductions* in fares or charges.

If a carrier that is not so party to the case or to the joint tariff desires to make, on less than statutory notice, the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Permission for less than statutory notice and notation on tariff.

*Unless otherwise specified in the order in the case, such tariff or supplement may be made effective upon five days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this Rule or under special authority granted in the order in the case, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in case No. ——."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Circulars announcing compliance with orders of court.

(*p*) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff fares or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

Numerical order of I. C. C. numbers of tariffs, or explanation of missing numbers, required.

(*q*) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as is possible carriers will file tariffs and supplements in

consecutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

Two copies of tariffs must be filed.

(*r*) Common carrier and agents are directed, in filing schedules in compliance with the statute, to transmit two (2) copies of each tariff, supplement, or other schedule of fares or regulations for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Address for tariffs.

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Bureau of Tariffs, Washington, D. C."

Form of appointment of agent.

42. The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

Cross-exchange of concurrences avoided.

If two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ——.

Form PX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company, and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file passenger-fare schedules and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission

thereunder, for the period of time, the traffic, and the territory now herein named:

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its ——— president and to be duly attested under its corporate seal by its secretary, at ———, in the State of ———, on this ——— day of ———, in the year of our Lord nineteen hundred and ———.

THE [name of carrier],

Attest: By ——— ———,

Its ——— *President.*

——— ———, *Secretary.*

[CORPORATE SEAL.]

Original form to be filed with Commission and duplicate furnished agent.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs.

*For concurrence in tariffs issued and filed by another carrier or its agent, forms prescribed in Rules 43 to 49, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's fares. Provision for giving power of attorney to another carrier has therefore been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 50.

This does not invalidate or change the terms or effect of any power of attorney now on file.

Form of concurrence.

43. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Form PX2—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the fare schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number. [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ———, ——.

Date effective: ———, ——.

Issued by {[Official.] [Company.]}

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Concurrence accompanying tariff.

The original of this form will be filed with the Commission by the carrier of agent who files the tariff and will accompany the tariff.

Form of concurrence.

44. Concurrence may be given by a carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or terminal line, and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Form PX3—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto, which the [name of carrier] *or its agent* may make and file, in which it is *shown as a participating* carrier, and hereby makes itself

a party to and bound thereby in so far as such schedule contains fares applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Concurrences PX3 cover all fares issued by carrier to which given and which apply via the line of and to, but not from, points located upon the line of the carrier giving the concurrence. This is intended to reserve to the initial carrier the quotation of fares upon traffic originating on its line, except when by use of another form of concurrence or power of attorney it grants authority to some other to quote such fares.

Round-trip excursion fares included in concurrence.

Round-trip excursion fares are not, however, considered as applying to traffic originating at the points where the return journey begins. Concurrences PX3 are, therefore, considered and held to include concurrence in round-trip excursion fares, stated in specific figures or in some such term as "one fare for the round trip."

Form of concurrence.

45. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying fares to or from its points or via its lines, to certain described points or territories, and after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file fares to and from and via its lines, and not otherwise qualified, carriers will use concurrence form PX5 or PX7, as per Rules 46 and 48.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Form PX4—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying upon ———; or between ——— and ———; or from ——— to ———; or via———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given.

Form of concurrence.

46. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying fares to and from its points, and via its lines, and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Form PX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed

in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

47. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form PX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Form PX6—No. —
To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such tariff contains fares applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Com-

mission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

Form of concurrence.

48. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorneys form PX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ——— ——.

Form PX7—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

Form of concurrence.

49. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form PX1, concurrence in tariffs issued by him under such authority *applying to or from* certain points or territory may be

issued in the following form modified so as to confer exactly the authority desired:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ——, ——.

Form PX8—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney] or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying from —— to points on or reached via its line; or from points on or via its line to ——, until this authority is revoked by formal and official notice of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

NOTE.—Concurrence, Form PX2, applies to individual publication named therein. Concurrence, form PX3 or PX6, confers authority to publish and file fares to, but not from, points on line of concurring carrier and via its lines. Concurrence, form PX5 or PX7, confers authority to publish and file fares to and from points on line of concurring carrier and via its lines. Forms PX3, PX5, PX6, and PX7 are not to be modified except as specified in the Rules. The use of these several forms as provided will, therefore, show by the form number just what authority has been given except when form PX4 or PX8 is used, these forms being provided for instances which

the other forms do not exactly fit. The Commission does not require the substitution of concurrence form PX5 for form PX4, now on file, which covers only the authority provided for in the new form PX5, but will welcome such substitution. For all new concurrences forms will be used as specified in the several Rules, and PX4 or PX8 only when neither of the other forms provides for the authority it is desired to confer.

Numbers of concurrences and authorizations.

50. *(*a*) Each carrier will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from I. C. C. numbers of tariffs. (See paragraph (*f*) of this Rule.) Concurrences must be given to carriers named therein and authority so granted to a carrier may be by it delegated to its lawfully appointed agent.

Concurrences must be given to carriers.

Separate concurrences for freight and passenger tariffs.

Separate concurrences will be given for freight and passenger tariffs.

Revocation effective.

(*b*) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective, and must give at least sixty days' notice to the Commission and to the carrier to which concurrence was given. Corresponding correction of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be issued for the sole purpose of making such correction lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

Liability of carrier for failure to change tariff when concurrence is revoked.

*Change in a tariff is effective when and only when the tariff as filed and posted is changed. Change effected by revocation of concurrence can not be known to the public or to the agents of carriers until it appears in the regular way in the tariff. A carrier that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory fare or regulation on the date upon which revocation becomes effective. The public has the right to use the fares shown in a lawfully filed and published tariff. The Rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked the carrier that publishes the tariff neglects to make change therein as provided in this Rule, passengers are entilted to the fares stated in the tariff,

and the carrier that so neglects to correct its tariff will be held liable to other carriers for the difference in charges under the tariff as it is and as it would be if corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals as demands are made upon them for tickets under such tariff.

Subsidiary or small-line tariffs.

(c) Subsidiary or small lines which do not wish to issue concurrences or tariffs may give to the parent or other line power of attorney to concur in tariffs, and also general concurrence PX4 or PX5, to file tariffs, and the carrier holding such authority and concurrence may give and also receive concurrence for itself and the lines for which it acts in one instrument. Such subsidiary or small lines, must, however, be named in concurrences so given. In giving power of attorney to concur in tariffs, form PX1 will be modified by striking out from line six the word "file" and substituting the following therefor: "to give and receive concurrences in."

Conflicting authority to be avoided.

(d) In giving concurrences care must be taken to avoid probability of two or more agents or carriers naming conflicting fares or rules.

Carrier issuing authority or concurrence is not relieved from duty of posting tariffs.

(e) The granting of authority to issue tariffs under power of attorney, or general concurrence, does not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

Quality and size of paper.

*(f) All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper 8 by 10½ inches in size.

Serial number on upper right-hand corner.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown in upper right hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorneys or certificates of concurrence, as the case may be, to be canceled.

Each power of attorney or certificate of concurrence filed must show the post-office address of the issuing officer in the date line preceding body of form.

Joint concurrences of two or more carriers under same traffic officer.

When a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the carriers for whom the same

traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each road, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (*a*) of this Rule.

Letter of transmittal.

51. All tariffs that are filed with the Commission shall be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ——.

Advice No. ———.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

Accompanying schedule is sent you for filing in compliance with the requirements of the Act to regulate commerce, issued by ——— ———, bearing—

I. C. C. No. —;

Supp. No. — to I. C. C. No. —;

Effective ———, 19—;

and is concurred in by all carriers named therein as participants under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

———————————————————————

———————————————————————

———————————————————————

[Signature of filing agent.]

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can be conveniently entered.

NOTE.—If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

ADMINISTRATIVE RULINGS.

A star (*) denotes that a change or addition has been made in either the rule or paragraph.

Round-trip excursion fares.

52. ROUND-TRIP EXCURSION FARES (issued October 12, 1906.)—(*a*) It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation fares authorized by the twenty-second section. Such a fare when first established or offered is held to be a change of fare which requires a notice of thirty days. No reason appears why this notice should not be given in the case of mileage fares, commutation fares, round-trip fares, or other reduced fares which, like ordinary passenger fares, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion fares, however, covering a named and limited period, are of a different character in this regard and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind the Commission has made a general order fixing the following-named time of notice of round-trip excursion fares, and carriers may govern themselves accordingly:

Fares for an excursion limited to a designated period of not more than three days may be established, without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission.

Fares for an excursion limited to a designated period of more than three days and not more than thirty days may be established upon a like notice of three days.

Fares for a series of daily excursions, such series covering a period not exceeding thirty days, may be established

upon like notice of three days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

Fares for an excursion limited to a designated period exceeding thirty days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

Definition of term "limited to a designated period."

(*b*) The term "limited to a designated period" used above is construed to cover the period between the time at which the transportation can first be used and the time at which it expires. If tariff names different selling dates for excursions which form a series, and the period of time between the first selling date and the last date upon which any tickets sold under the tariff may be used exceeds thirty days, the series of excursions so provided for do not come within the period of "not exceeding thirty days," and such tariff may not be issued by authority of this Rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions, each such excursion limited to a designated period of not more than thirty days, and for convenience of public and agents to announce them in a bulletin tariff under this Rule. It is also permissible to show in such bulletin fares for a series of excursions between the same points, such series covering a period of more than thirty days, provided full statutory notice of such series is thereby given, and provided title-page of publication bears notation "Effective —— except as noted in individual items as to which full statutory notice is given." When such items are brought forward to another issue of bulletin they must bear notation "First announced in Bulletin No. —. I. C. C. No. —, of ———, 19—."

No supplement to tariff under this rule.

(*c*) (Adopted June 28, 1909.) No supplement may be issued to any tariff that is issued under this Rule except for the purpose of canceling the tariff, and title-page of tariff must so state. Every such tariff must bear notation on title-page "Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular 18-A."

Changes in excursion tariffs.

* (*d*) When it becomes necessary to change the terms of a short-time excursion-fare tariff issued under this Rule and covering a period not exceeding thirty days, for any of the following reasons: Changes in dates of excursion or *meeting*, involving changes in dates of sale *and in return limit*, not exceeding thirty days; extension

of the return limit, not exceeding thirty days; additional selling dates; additional selling points; additional routes; additional stop-over privileges; reduction in fares; or to cancel such tariff before date of its expiration, such change or cancellation may, when the excursion is limited to a designated period of not more than three days, be made by posting tariff containing the change, or supplement containing the cancellation, one day in advance in two public places in the waiting room of each station where tickets for such excursion are sold, and mailing copy thereof to the Commission. If the excursion is limited to a designated period of more than three days and not more than 30 days, cancellation or change may be made on like notice of three days. If the excursion is limited to a designated period exceeding thirty days, statutory notice must be given of change or cancellation, or special permission for shorter time must be secured.

No index or routing required.

(*e*) (Adopted October 12, 1908.) Short-time excursion-fare tariffs issued under authority of this Rule need not contain alphabetically arranged indexes of stations from and to which the fares apply, nor show specific routing *when* the fares are stated in such terms as "One first-class fare for the round trip," etc.

(Adopted June 28, 1909.) When the fares are stated in specific sums the routing may be shown by reference to other tariffs which contain the desired routing, and in the following manner: Show in the tariff by proper initials and I. C. C. numbers the tariffs that are thus referred to, designating each of them by a letter, and place opposite the name of each point of origin, in a column marked "Route," the proper reference letter. For example: "Route A. Routing as per — I. C. C. No. —." "From Smithville, Nebr., to Jonesboro, Kans., Route A, $17.20."

Certificate plan.

53. ROUND-TRIP TICKETS ON CERTIFICATE PLAN (issued December 21, 1906.)—Round-trip tickets on the certificate plan may be issued at reduced fares and their use be confined to the delegates to a particular convention or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any. Tariffs of fares and regulations governing issuance and use of round-trip tickets on certificate plan must be regularly filed and posted, and the regulation must set

be such as will operate to evade or nullify any provision of the law.

The Commission suggests that the rule should provide that not less than one hundred tickets shall be presented for validation for return trip before reduced fare will be granted to any.

Round-trip tickets on certificate plan may also be issued to Government employees going home to vote and returning to their employment.

It is represented that in many instances persons desiring to attend on some particular day of the convention are prevented from promptly returning to their homes because the minimum number of tickets required has not been presented for validation. Answering numerous inquiries, the Commission expresses the opinion that it would not be unlawful or improper for carriers to accept a satisfactory guaranty or bond of an association or society, *which is entitled to and for which the round-trip fare is made,* that the minimum number of tickets will be validated or the difference between the reduced fare and the full fare paid by the association or society, thus permitting the prompt validation of tickets and reduced-return-trip fare, it being understood that if the specified number of tickets be not validated the society will, in good faith, be required to pay the difference agreed upon.

Rate or fare changes.

54. CHANGES IN RATES OR FARES (issued March 18, 1907.)—Section 6 of the Act as amended June 18, 1910, provides that—

No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges, which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule *then in force* and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by *printing new schedules,* or shall be plainly indicated *upon the schedules* in force at the time and kept open to public inspection.

Rate and fare changes filed and published must become effective.

(*a*) (Adopted February 8, 1909.) This provision plainly refers to rates and fares which have already become effective, and also applies the term "proposed changes" to rates and fares which have not become effective. It follows that after notice of a change in rates or fares has been filed and published the new rates

or fares must be allowed to go into effect, and can not be withdrawn, canceled, or superseded except upon notice filed and published for at least thirty days after the date when the rates or fares have become effective. A tariff may provide that it will expire upon a date specified therein and which is at least thirty days subsequent to the date upon which it becomes effective, or a tariff may contain a notation that certain rates or fares therein stated will expire upon a date therein specified which is at least thirty days subsequent to the date on which such rates or fares become legally effective, and this will be legal notice of the cancellation or withdrawal of such tariff or of such rates or fares. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore a provision in a tariff that the tariff or any part of it will expire upon a given date is not a guaranty that the tariff, or such part of it, will remain effective until that date. Such provision must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way.

Rates or fares in force can only be changed on thirty days' notice.

Excursion passenger-fare tariffs issued under authority of Rule 52 are not subject to the provisions of this Rule.

A tariff of passenger fares which provides that it will expire upon a specified date, and that is not issued under authority of Rule 52, may be amended in the regular way and upon statutory notice, even though such amendment will not remain in effect for thirty days prior to the date of expiration of the tariff.

For good cause Commission may allow exception.

(*b*) (Issued March 18, 1907.) Carriers must comply fully with the requirements of the law respecting the filing, publication, and taking effect of proposed rates and fares, unless upon application and for good cause shown the Commission, in the exercise of authority conferred upon it, shall allow rates or fares to be changed or withdrawn upon less than thirty days' notice, or by formal order otherwise modify such requirements. No regulation or rule of the Commission is authority to change rates or issue tariffs on less than statutory notice unless so specifically provided in the rule or regulation.

Joint rates or fares only lawful rates or fares for through traffic.

55. JOINT RATE OR FARE GREATER OR LESS THAN SUM OF INTERMEDIATE RATES OR FARES (issued September 15, 1906.)—Two or more connecting carriers may establish a joint rate or fare only upon notice of thirty days

or under special permission. A joint rate or fare when duly established and in force becomes the only lawful rate or fare for through transportation.

A through rate or fare from point of origin to destination of a shipment or passenger is the lawful rate or fare applicable to that movement, whether the rate or fare be confined to the line of one carrier or be a joint rate or fare applying over the lines of two or more carriers. (See Rules 5 and 36.)

Rates or fares higher than sum of intermediate rates or fares.

*56. REDUCTION OF RATE OR FARE TO EQUAL SUM OF INTERMEDIATE RATES OR FARES (adopted February 13, 1911).—(*a*) Where a rate or fare is in effect by a given route between any points which is higher than the sum of the intermediate rates or fares between the same points, by the same or another route, and such rate or fare has been in effect thirty days or longer, such higher rate or fare may, until further notice from the Commission, be changed *by reducing the same to the sum of such intermediate rates or fares, but not otherwise,* upon posting and filing with the Commission one day in advance *a supplement to or a reissue of the tariff in which the rate or fare so reduced appears,* which supplement or reissue shall show the reduced rate or fare; shall bear notation that it is effective on less than statutory notice "by authority of Rule 56 of Tariff Circular 18-A;" shall show on title-page, or in connection with such item, by identifying references and I. C. C. numbers, the tariffs that contain the factors which make up the new rate or fare; except that, if the rate so reduced is contained in a strictly class rate tariff, the reduced rate will be published in a new commodity tariff or in a supplement to or reissue of a tariff which contains commodity rates and in which all carriers whose lines make up the route over which the rate applies have concurred, and which is issued by the same carrier or agent that issued the tariff which contained the rate so reduced. Such tariff, supplement, or reissue must bear on its title-page, or in connection with such item, the notation: "Issued under authority of Rule 56, Interstate Commerce Commission Tariff Circular 18-A. The rate (or rates) hereby reduced appears in ——— Tariff, I. C. C. No. ——, item (or page) —, and the factors from which the new rate herein shown as equaling the sum of the intermediate rates are found in ——— *Tariff, I. C. C. No.* ——, item (or page) —, and ——— *Tariff, I. C. C. No.* ——, item (or page) —."

Reduction on one day's notice.

Reduction of rate or fare must be made in supplement to tariff which contains rate or fare so reduced.

Notation on tariff.

Except when a new commodity rate is established to supersede a higher class rate this Rule limits the authority to change rates or fares thereunder to changes that are announced in supplements to or reissues of the tariffs in which the rates or fares so reduced appear, and each such supplement or reissue shall show specifically on its title-page the authority under which it is made effective on less than statutory notice and definite and distinct reference to the factors which are used to make up the reduced rate or fare.

Through rate or fare higher than sum of intermediate rates or fares prima facie unreasonable.

(*o*) Many informal complaints are received in connection with regularly established through rates or fares which are in excess of the sum of the intermediate rates or fares between the same points. The Commission has no authority to change or fix a rate or fare except after full hearing. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider the through rate or fare which is higher than the sum of the intermediate rates or fares between the same points as *prima facie* unreasonable and that the burden of proof would be upon the carrier to defend such higher through rate or fare.

NOTE.—Attention is called to the fact that section 4 of the Act, as amended, prohibits a through rate or fare that exceeds the sum of the intermediate rates or fares that are subject to the Act. The term "intermediate rates" as used in said section is interpreted to mean the straight-away or direct-haul rates or fares, and not to include any back-haul charge.

Rates or fares to points on new lines.

*57. NEW ROADS.—On newly constructed lines of road, including branches and extensions of existing roads, local rates and fares, and also joint rates and fares, may be established in the first instance to and from points on such new lines by posting tariffs of such rates or fares issued by the carrier owning or operating such newly constructed lines or by joint agent acting for it under power of attorney FX1 or PX1, and filing the same with the Commission one day in advance. Such tariff must bear notation that it applies to or from points on newly constructed lines to or from which no rates or fares from same points of origin or to same points of destination have applied, and give reference to this rule. Tariffs or supplements to tariffs issued by other carriers establishing rates to or from or via such newly constructed line may

be issued only upon statutory notice or special permission for shorter time. It will be the Commission's policy to grant such reasonable permissions as are necessary to give carriers and shippers fullest efficiency of such new lines.

*68. REQUESTS FOR PERMISSION TO AMEND TARIFFS ON LESS THAN STATUTORY NOTICE (issued November 16, 1906.)—(*a*) The Act authorizes the Commission, in its discretion and for good cause shown, to permit changes in tariff rates or fares on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commission, and in the following form, on paper 8 by 10½ inches. Such applications must be over signature of the president, vice president, general traffic manager, assistant general traffic manager, general freight agent, general passenger agent, or a duly authorized attorney and agent, specifying title.

Rates or fares changed on less than statutory notice.

Application to Commission.

Over whose signature.

Form of application by a common carrier for authority to make changes in rates or fares upon less than 30 days' notice.

.....
[Name of carrier.]

....., 191
[Place and date.]

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

The ....., by ....., its .....,
[Name of carrier.] [Name of officer.] [Title of officer.]
does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under Section 6 of the Act to regulate commerce as amended June 18, 1910, to put in force the following rates, (or fares) to become effective ..... days after the filing thereof with the Interstate Commerce Commission:

.....
[State fully the rates (or fares) which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.]

Your petitioner further represents that the said rates (or fares) above mentioned will be published in Supp. No. .. to Tariff I. C. C. No. ...., and will supersede and take the place of the rates (or fares) on like traffic from and to the points above named which are set forth in Tariff I. C. C. No. —— (or supplement) on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circum-

stances and conditions justifying the request herein made:

.....

[State fully all the circumstances and conditions which are relied upon as

.....

justifying the application, and if based upon rates (or fares) in effect via

.....

other lines, specific reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines.]

.....
[Name of carrier.]

By .....
[Name and title of officer.]

Subscribed and sworn to before me this .... day of ....., 19...

.....
Notary Public.

The Commission requests that as far as possible these applications be sent by mail and not by telegraph. Action will be taken only on receipt of the verified application.

Where full notice has been given by competing carrier.

(*b*) (Issued September 29, 1906.) Desire to meet the rates or fares of a competing road or line which has given the full statutory notice of change in rates or fares will not of itself be regarded as good cause for allowing changes in rates or fares on a notice of less than thirty days.

Amendment of joint tariffs on less than statutory notice.

(*c*) (Issued March 18, 1907.) A request from one carrier, party to a joint tariff, for permission to amend such tariff on less than statutory notice necessarily raises some question of doubt as to the wishes or concurrence of other interested carriers also parties to the tariff. It is desirable and proper that any such permission given by the Commission should affect alike all parties to the tariff that is to be amended under it. The Commission therefore decides:

Applications by carrier or agent authorized to file the tariff.

That when a carrier gives an agent authority to file tariff or tariffs and supplements thereto in its name, place, and stead, or concurrence in tariff or tariffs and supplements thereto which another carrier or its agent may file thereunder, the agent or carrier to whom such authority or concurrence is given has, under the terms of the authority or concurrence, the power and the right to request, in the name and on behalf of the carriers participating in such tariff or tariffs, permission to amend same on less than statutory notice.

Request must come from one who issues the tariff.

Such requests as to joint tariffs must be made by the agent or the carrier that is authorized to file the tariff and in making them form same as that prescribed for use of individual carrier shall be used, except that the

request must state that it is made in the name and on behalf of all carriers that are parties to the tariff, and that formal authority to file the tariff, or formal concurrence in the tariff, is on file with the Commission from each of such carriers.

Concurring carriers bound by act of authorized agent.

(*d*) Request will be signed and verified by the agent or officer who makes it, and every carrier that has, by formal authority or concurrence, made itself a party to such tariff will be held bound by the act of its agent under such authority or by its concurrence. This Rule will, in so far as it is possible, be applied to tariffs now on file, and will be effective in all cases as to freight tariffs from and after May 1, 1907, and as to passenger tariffs from and after June 1, 1907.

Permission to change rates or fares on short notice limited to emergency or necessity.

(*e*) This authority will be exercised only in cases where actual emergency and real merit are shown. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and be presented with reasonable promptness after issuance of the defective tariff.

Application of rates or fares in force on other lines unlawful.

59. EQUALIZING RULES OR TARIFFS (issued March 18, 1907.)—In the not distant past many carriers issued circulars or tariff rules which in effect and substance stated that that carrier would meet any rate or fare made by a competitor or share in any through rate or fare made by a connecting carrier for the purpose of meeting or protecting any rate or fare via another route or gateway. Those rules plainly intended and contemplated that rates or fares which were not found in that carrier's tariffs should be applied to traffic moving over its lines.

The law makes it clear that no carrier can lawfully apply to transportation over its lines any rate, fare, or charge that is not plainly stated in its own tariffs at that time, and that all such rules as are now referred to and all practices under such rules are unlawful.

Transportation of caretakers in connection with freight.

***60.** FREE TRANSPORTATION OF PASSENGERS IN CONNECTION WITH SHIPMENTS OF PROPERTY (issued November 6, 1906).—Section 1 of the Act provides that free transportation may be furnished "to necessary caretakers of live stock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of live stock, poultry, milk, or fruit that is loaded and ready for

movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of a free pass or reduced-fare transportation, but in any event it must be the same for all under like circumstances and must be published in the tariff governing transportation of the commodity. Tariff may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing live stock and returns within a certain time with a certain number of cars of live stock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

When unlawful.

Includes vegetables, bees in hives, and live fish.

The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables, and that bees in hives and live fish may be included in the term "live stock," when shipped under conditions that render caretakers "necessary."

Cross references in railroad and express tariffs.

(Adopted May 10, 1909.) When an express company provides in its tariff for free transportation for caretakers in charge of live stock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

*61. REDUCED RATES OR FARES FOR GOVERNMENT.—(Adopted December 7, 1909.) Rule 61 was canceled effective December 31, 1909. (See Rules 33 and 36, Conference Rulings Bulletin No. 4.) Existing tariffs must be amended accordingly.

Party fare tickets.

62. PARTY-FARE TICKETS (issued September 29, 1906).—The tariffs and regulations governing the issuance and use of party-fare tickets, together with the rules relating to the allowance of free baggage to persons using such tickets, must be regularly filed and published. The privileges so extended must not be limited to any particular class or classes of persons, but must be open to all. Regulations governing issuance and use of party-fare tickets must not be such as will operate to evade or nullify

any provision of the law. The Commission suggests that the rules should provide that the party shall travel on one ticket and consist of not less than ten persons.

(Issued November 15, 1907.) Carriers may provide in their tariffs as follows:

Members of party traveling on party-fare ticket may accompany exclusive baggage car on another train.

When a party of ten (10) or more persons are traveling on a party-fare ticket and require the exclusive use of a baggage car, and such baggage car is not forwarded upon the same train which bears the passengers, and where it is necessary that one or more men of the party shall accompany the baggage car, a separate ticket may be issued for the use of such men as members of the party, provided such ticket is indorsed as a part of such party-fare ticket and for, and limited to, the train upon which the baggage car is hauled.

It is not, however, lawful or permissible to permit person or persons to go in advance of or to follow the party as passengers and be computed as a part of the party or as entitled to the party fare. All tariff provisions to such effect are unlawful and must be withdrawn at once.

Transportation of circus outfits.

63. TRANSPORTATION OF CIRCUS OUTFITS (issued March 18, 1907).—The act to regulate commerce, as amended June 29, 1906, applies to the transportation of circuses and other show outfits, but the Commission recognizes the peculiar nature of this traffic and the difficulty of establishing rates thereon in advance of shippers' request describing the character and volume of the traffic offered, and has therefore entered a general order authorizing carriers to establish rates on circuses and other show outfits by tariff, to become effective one day after filing thereof with the Commission, and relieving them from the duty of posting such tariffs in their stations. Such tariff may consist of a proper title-page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. As far as practicable general rules or regulations governing the fixing of such rates should be regularly published and filed.

Rates effective one day after filing with Commission.

Rates and fares and their application must be specifically stated.

64. MAXIMUM RATES AND FARES NOT SPECIFIC RATES AND FARES (issued March 18, 1907).—Rule 4 and Rule 34 prohibit including in a tariff any rule or regulation which in any way or in any terms authorizes substituting for any rate or fare named in the tariff a rate or fare found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part. These

rules are intended to bring about entire discontinuance of tariff rules which provide that rates or fares named in tariff will apply to certain points "as maxima," or that if a combination on some gateway or basing point makes less than the rates or fares named in tariff such combination will apply, or for equalizing or protecting any rate or fare via another line or route or gateway, etc. The intent is that tariffs shall state in specific, clear, and unambiguous terms the rates and fares and their application. (See Rule 5 (*b*) and Rule 36.)

Rates and fares to or from intermediate points.

(Issued January 7, 1908.) Paragraph (*d*) of Rule 4, and paragraph (*c*) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff of a rule providing for the affirmative and definite application of the rates or fares named in that tariff to or from points *not indexed* and which are directly intermediate on the same line with points that are indexed.

Specific through rate or fare must be invariably applied.

(Issued March 18, 1907). In every instance where there is a *specific* rate or fare from point of origin to point of destination it must be applied to through shipments or passengers regardless of possible lower combinations. (See Rules 5, 36, and 55.)

"Taken only by special agreement" not sanctioned.

65. CLASSIFICATION OF HIGH EXPLOSIVES (issued May 29, 1907).—Some freight classifications provide that high explosives will be "taken only by special agreement." Carriers are prohibited from carrying any traffic except under tariffs provided in the manner prescribed by law. It follows, therefore, that no traffic or transportation can be the subject of special agreement between carrier and shipper except as provided in section 22 of the Act. If it is impracticable to classify high explosives in the classification the statement must not be, "taken only by special agreement," but must be, "subject to regulations and rates in tariffs of the individual carrier;" and each carrier must provide in its tariffs the rates and regulations applicable to such traffic. (See Rule 4 (*h*).)

Minimum carload weight.

66. MINIMUM CARLOADS.—(*a*) Where a rate for carload shipment is relatively lower than less-than-carload rate the reasonableness of a minimum carload weight to which carload rate will apply is recognized, as is also the desirability of highest efficiency both in the movement and the loading of cars.

Minimum carload weights for cars of varying dimensions or capacities.

Carriers provide cars of varying dimensions and capacities, and they provide minimum weights for the several kinds of cars based upon those dimensions and capacities. At times when transportation facilities are inadequate to supply the demand upon them it is frequently difficult or impossible for the carrier to furnish a shipper with a car of the dimensions or capacity desired by him, although the carrier has in its tariffs provisions for the use of such car. Manifestly it is not equitable or proper to require the would-be shipper to pay additional transportation charges for the privilege of using a car of different dimensions or capacity from that which would suit his shipment or forego entirely his desire to ship.

Some carriers provide elastic rules which properly permit the use of cars of different dimensions or capacities when they are furnished by the carrier in lieu of those desired or ordered by the shipper. Other carriers do not so provide, and as a result many instances arise in which the initial carrier under such provision furnishes the shipper with cars at its convenience and connecting carriers that have not adopted similar provisions assess higher charges in accordance with their tariffs, thus imposing upon the shipper a wholly unexpected, and, in the view of the Commission, unreasonable, charge.

Capacity of car furnished greater than that of car ordered.

(Adopted December 7, 1909.) The Commission believes it to be the duty of every carrier to incorporate in its tariff regulations a rule to the effect that when carrier can not promptly furnish car of capacity or dimensions desired by the shipper, and for its own convenience does provide a car of greater capacity or dimensions than that ordered, such car may be used on the basis of the minimum carload fixed in the tariffs for cars of the dimensions or capacity ordered by the shipper *provided the shipment could have been loaded into or upon car of the capacity or size ordered;* and that if a car of smaller capacity than that ordered by the shipper is furnished, it may be used on the basis of actual weight when loaded to its full visible capacity, or that portion of the shipment which can not be loaded into the smaller car will be taken in another car and the shipment treated as a whole on the basis of the minimum fixed for the car ordered by the shipper; and that if the carrier is unable to furnish a car of large dimensions, ordered by shipper, it may furnish two smaller cars which may be used on the basis of the mini-

Capacity of car furnished less than that of car ordered.

mum fixed for the car ordered; it being understood that shipper may not order a car of dimensions or capacity for which a minimum is not provided in the carrier's tariffs.

In all such cases the capacity of the car ordered, the date of such order, the number, initials, and capacity of the car furnished should be stated on the bill of lading and the carrier's waybill.

In case of controversy between shippers and carriers caused by absence of such rule from tariffs which provide graduated minima for cars of different sizes the Commission will regard such tariffs as *prima facie* unreasonable.

It is the duty of carriers to provide reasonable facilities for transportation, and if they can not furnish equipment to move the carloads provided for in their regulations it is clearly their duty to provide some other method of transporting as one shipment, and at the rate named therefor, such carload weight when tendered by shipper.

(*b*) (Adopted May 12, 1908.) The minimum weight upon which carload rate is based is a part of the rate, because the charges on the shipment are determined by such minimum weight. The publication, posting, and filing of the rate and of the minimum weight are therefore equally necessary, and it is also equally necessary that both be observed.

Through carload minimum to be provided in tariff.

★ Where two or more carriers publish a joint through rate they must publish in connection therewith one carload minimum weight for the through movement under that rate. This ruling is not to be understood, however, as condemning the publication in joint tariffs and the use of through rates made up in combination on a specific base point and providing one minimum weight in connection with the specified portion of the rate up to the base point and a different minimum weight in connection with the specified portion of the rate beyond the base point.

Light loading of new cars on first trip.

Carriers' mechanical departments have rules against loading to its full capacity of a new car on its first trip. This rule is understood to generally provide that such car shall not on its first trip be loaded to more than 75 per cent of its capacity. The Commission is requested to pass upon the question of conflict between the tariff minimum and the mechanical department's rule.

All new cars are now of much greater capacity than those of a few years ago, and carload minima have also been increased. The number of commodities that are

shipped in closed cars and that ordinarily are loaded to the full capacity of the car are comparatively few. Except in times of actual car shortage there would seem to be but little difficulty in selecting for such new cars loading that would bring no conflict between the tariff and the mechanical department's rule. The tariff rule is the one which the carrier is by law obligated to observe and maintain. It is not possible to authorize setting aside the tariff requirement without creating or making possible discriminations. There is no objection to incorporating in the tariff a rule that the minimum weight applicable to a new car on its first loading shall be a certain percentage of its capacity or of the minimum fixed in the tariff. We adhere to the view that the rule governing minimum weight shall be contained in a lawful tariff and that it must be applied and observed.

Free carriage or reduced rates or reconsignment at through rate of shipments damaged in transit or refused by consignees.

66. MOVEMENT OF SHIPMENTS REFUSED BY CONSIGNEES OR DAMAGED IN TRANSIT (issued June 3, 1907).—(*a*) In one form or another many carriers provide for the return free or at reduced rates, or the reconsignment under through rate from point of origin, of shipments that are damaged in transit or are refused by consignees. In answer to request for ruling the Commission expresses the opinion that in a nondiscriminatory way and within reasonable limits such rule is not unlawful or improper. Care should be taken to preserve the distinction between shipment in which the carrier has no interest except the collection of the transportation charges and which are reconsigned or returned purely out of consideration for the interests of the owner of the shipment, and shipments which, because of injury or damage in transit, are left on the carrier's hands and in which it has an interest to the extent of the transportation charges and the value of the shipment.

Shipments refused by consignee.

(Adopted November 9, 1908.) A rule providing that shipments which are refused by consignee may be reconsigned and forwarded, under application of through rate from point of origin to final destination, either with or without the exaction of a reconsignment charge, is permissible. Where tariff provides for return of shipments at reduced rates the tariff rule must be strictly complied with. Such tariff rule should provide that waybill covering return movement and shipping receipt must show reference to original outbound shipment and waybill.

Shipments damaged in transit.

(*b*) (Adopted June 14, 1909.) A rule providing for the reconsignment or return free or at reduced rates of articles damaged in transit is not improper if it is so framed and applied as to prevent abuses or improper practices under it. The practice of returning at reduced rates articles that have been delivered into the possession of consignees and have become shopworn or have gotten into a state of disrepair through use is neither proper nor free from unjust discrimination. A rule according reduced rates on return shipments is proper only in so far as it applies to the return of shipments that are received by the consignee in bad order or are refused by consignee without examination. As to shipments that are not in closed packages and thus are open to immediate inspection, the rule should provide that in order to secure reduced rates on return movement the goods shall not have left the possession of the carrier before such claim is made. As to goods that are in closed packages, the rule should provide that in order to secure reduced rates on return movement such goods must be returned to the carrier within ten days.

Rules must be published and applied only via route over which shipment moved.

(*c*) (Issued June 3, 1907.) Such rules must be in tariffs and must be applied without discrimination and should provide that rule for return of shipments applies only via the route and line over which the shipment moved. Uniformity among carriers in rules and practices in such matters as these is desirable and contributes to thorough understandings and harmony between carriers and shippers.

Damaged in transit shipments left on hands of carrier may be hauled over its lines as its own property would be.

(*d*) Where a shipment is refused and is left on the hands of the carrier, it is believed that the carrier, when it recognizes its responsibility for the value of the shipment and the transportation charges on same, may haul it for itself to such point on its own lines as offers the best opportunities or facilities for disposing of it to advantage, just as it may haul property of its own.

Old system of concurrences which was almost universally followed, and which was universally accepted and recognized by carriers.

68. RESPONSIBILITIES OF CARRIERS UNDER TARIFFS (issued November 15, 1907.)—(*a*) Prior to May 1, 1907, the date upon which the Commission's freight tariff rules became effective, no uniform or definite practice or rule was followed by carriers in regard to concurrence in joint tariffs. The plan most generally followed was for each carrier to file with the Commission a statement that it thereby concurred in any tariff, issued by any carrier, and in which it was shown as a participant, except when it

gave to the Commission specific notice of nonconcurrence in particular issues. Some carriers, however, did not file such a declaration, but accepted traffic and settlements under joint tariffs in which they were shown as participants, although no concurrence therein had ever been given.

The general, if not universal, understanding and practice was that every carrier had a right to issue tariffs containing joint through rates or fares over the lines of other carriers named therein as participants, to note therein that the carriers named as participants would certify their concurrence to the Interstate Commerce Commission, and for all to use such tariffs except in cases where carriers specifically certified to the Commission their nonconcurrence in certain publications.

To now undertake to check out and follow down definite and actual concurrence or carriers in tariffs issued prior to May 1, 1907, would be a hopeless task; and to declare unlawful all tariffs, and participation therein, which were not so definitely and actually concurred in, other than by use thereof, would be to overthrow practically all such joint tariffs and leave transportation in chaos.

Some carriers have sought to evade liabilities under such joint tariffs on the plea that they never concurred therein, although in each instance so far brought to notice such carrier is shown to have accepted traffic and collected charges thereon in accordance with such tariff up to, and in some instances subsequent to, date of filing notice of nonconcurrence.

Under tariffs filed prior to May 1, 1907, carriers are responsible, in accord with custom then generally followed, except when and after they filed specific notice of nonconcurrence in certain issues.

(*b*) Such complications are impossible as to tariffs issued subsequent to May 1, 1907, if the Commission's tariff regulations are observed. The Commission can not undertake to now excuse carriers from responsibilities placed upon them by tariffs that were issued prior to May 1, 1907, and in which they are named as participants in conformity with customs that were followed so generally and for so long a time as to render them binding upon those who did not give notice of nonconcurrence, except in accordance with and subsequent to filing of specific notices of nonconcurrence.

The Commission's tariff regulations require that the carrier or joint agent that issues a joint tariff shall, before issuing same, have secured the definite and affirmative concurrence of every carrier shown therein as a

participant, and shall show in connection with the name of each participating carrier the form and number of the instrument by authority of which that carrier is made a party to the tariff.

Carrier not bound by being named as participant in tariff without its authority.

(c) A carrier has no means of preventing another carrier from naming it as party to a joint tariff without proper authority so to do. It can not, however, be bound by such unauthorized act, and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call attention of the Commission and of the one that issued the tariff to such erroneous action.

Tariff lawful as to carriers shown as participants under lawful authorizations and unlawful as to carriers named as participants without lawful authorities.

(d) If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments or passengers are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

Responsibility for unlawful incorporation of a carrier in a tariff.

(e) Responsibility for the unlawful incorporation of any carrier in a tariff will rest upon the carrier that issued the tariff, or, if the tariff is issued by a joint agent and attorney for two or more carriers, will rest upon that one of his principles that accepts and forwards the business under that tariff.

Policy of Commission on complaints.

(f) In passing upon a complaint of overcharge growing out of improper or unlawful inclusion of any carrier's name in the list of participating carriers in the tariff under which the business was accepted and forwarded the Commission will apply the principles above stated.

Status on and after June 1, 1909, of freight tariffs filed prior to May 1, 1907.

(g) By its Special Order No. 3, of March 2, 1909, the Commission required that all freight tariffs which were on file prior to May 1, 1907, and as to which specific participation and concurrences were not shown as required by the Commission's tariff regulations, should, on or before June 1, 1909, be canceled or be supplemented so as to show specific participation and lawful concurrence of every carrier that uses or participates in such tariff subsequently to June 1, 1909. It declared that the use of such tariffs as to which the terms of the Special Order

had not been complied with on or before June 1, 1909, would, after June 1, 1909, be unlawful and that prosecution will follow such use.

*The Commission's ruling of June 14, 1909, adding to above ruling the following, is hereby *rescinded:*

If, however, such a tariff not having been canceled is hereafter supplemented on statutory notice to show the list of participating carriers and their lawful concurrences therein, such tariff may, subsequent to the lawfully effective date of such supplement, be lawfully used by the carriers so shown as participating and concurring therein.

Stop-overs and extensions of time may be allowed on limited tickets in case of illness.

69. EXTENSIONS OF TIME ON LIMITED TICKETS (issued November 15, 1907).—Carriers may provide in their tariffs that limited passenger tickets may be extended in case of the illness of the passenger holding such ticket. Tariffs must give the title of the officer who shall have authority to give such extension, and such officer shall be required by the carrier to keep a memorandum of each instance in which such extension is given, and the data upon which it is allowed. Such information shall be subject at any time to be called for by the Commission. This rule must be applied strictly and in good faith, and upon the carrier is placed the responsibility of strict conformity thereto. Only such illness as makes travel dangerous to the health of the traveler will justify the extension herein provided for. The extension may also be granted to one or more members of the family of the passenger who is ill when traveling together, and to persons who are subject to an established quarantine. Stop-over privileges for a limited time may be granted for the same causes and under the same conditions and restrictions as justify extension of time on limited tickets.

Extension may include members of family traveling together.

Extensions in cases of quarantine.

Extension in case of washouts, wrecks, etc.

(Adopted October 12, 1908.) A carrier may also provide in its tariffs that whenever, because of washout, wreck, or other obstruction to its track, public calamity, the act of God or of the public enemy, a passenger is delayed on its lines so that the limit of such passenger's ticket has expired or has elapsed to such an extent as to curtail his stop-over privileges, the conductor or other specified agent will give, by indorsement on ticket or otherwise, certificate of such detention, and that such certificate will operate to extend the limit of such ticket to the extent of detention so certified, and that such extension will be honored by succeeding conductors on its lines. It may also provide that like certificates of detention and extension given by other carriers will be honored on its

lines; but no carrier may so extend any part of a ticket reading over lines other than its own, except when provision therefor is contained in a joint tariff properly concurred in.

Provision for extension must be in tariffs.

(Issued November 15, 1907.) No extension of time upon limited tickets or stop-over privilege will be recognized as valid unless provision therefor is made in the carrier's published tariffs. [See Rule 34 (*g*).]

Withdrawal of filed tariffs not permitted.

70. WITHDRAWAL OF FILED TARIFFS NOT PERMITTED.—Not infrequently the Commission is requested to return to carriers tariff publications which have been received and filed by the Commission in the ordinary course of business. Such requests are usually based on the desire to substitute some corrected or changed publication for the one that has been filed. Manifestly it would be improper for the Commission to permit such substitutions or to surrender any tariff publication duly and properly received and filed by it, unless such surrender is caused by rejection of such publication by the Commission because of illegality or irregularity in connection therewith. To surrender publications duly filed and permit the substitution of others would involve a species of falsification of the records which could not be permitted.

Ocean carriers—when not subject to the act.

71. OCEAN CARRIERS—EXPORT AND IMPORT TARIFFS.—Ocean carriers between ports of the United States and foreign countries *not adjacent* are not subject to the terms of the Act to regulate commerce; nor to the jurisdiction of the Commission.

Export and import tariffs.

(*a*) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

Through rates or fares may be shown.

(*b*) As a matter of convenience to the public said carriers may publish in their tariffs such through export or import rates or fares to or from foreign points as they may make in connection with ocean carriers. Such tariffs must, however, distinctly state the inland rate or fare as above provided, and need not be concurred in by the ocean carrier, because concurrence can be required from, and is effective against, only carriers subject to the Act.

Steamship charges may be shown.

(Adopted June 28, 1909.) It is permissible for a carrier to state its inland rates or fares, which must be ope

to all alike, regardless of what ocean carrier may be designated by the shipper or passenger, and regardless of the nationality or employment of the person transported, and in the same connection to show the additional steamship charges which go to make up through rates or fares to or from foreign destinations.

Evidence of steamship passage in connection with inland fares.

If the inland portion of such fares is different from the carrier's domestic fares, and if such inland proportionals are offered only in connection with travel to or from a foreign country, it is entirely proper and necessary that the inland carrier shall require evidence of steamer passage having been paid for before granting to any person its inland proportional fare which its tariff offers in connection with such journey, and to note on separate tickets that may be issued for the inland and the ocean portions of such trip cross references to the other portions of such tickets, and to require satisfactory evidence to be presented to conductor in order to make valid such inland proportional ticket.

Must be filed and posted.

* (*c*) Whichever plan of publishing these rates and fares is followed the tariffs must be filed and posted, and may be changed only upon statutory notice or under special permission for shorter time, except that, in consideration of unusual and special circumstances surrounding the movement of traffic exported to or imported from foreign countries not adjacent to the United States and which moves through ports of the United States or Canada on the Pacific Ocean as to said traffic and confined to tariffs which contain only rates applicable thereto, the Commission by its order of October 24, 1908, authorized carriers to make changes in said rates upon notice to the Commission and to the public in manner prescribed by law of three days as to changes which effect reductions in rates or charges and like notice of ten days as to changes which effect increases in rates or charges. This authority is intended to include passenger fares to or from ports of the United States or Canada on the Pacific Ocean in connection with passage tickets to or from foreign countries not adjacent to the United States, where shown in tariffs that are confined to such fares. Tariffs issued upon short notice under authority of this rule must bear notation "Issued under authority of rule 71, Interstate Commerce Commission Tariff Circular 18-A."

Permission for changes on less than statutory notice, via Pacific Ocean ports.

Through export and import billing.

(*d*) Export and import traffic may be forwarded under through billing, but such through billing must clearly

separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

*72. TARIFFS TO OR FROM POINTS IN ADJACENT FOREIGN COUNTRIES (adopted November 22, 1909).—Through rates and fares from points in the United States to points in foreign countries adjacent thereto and through rates and fares from points in adjacent foreign countries to points in the United States are a great convenience, and the Commission therefore desires to permit and encourage the publication and filing of such through rates and fares under lawful and proper conditions. Therefore, and until further order of the Commission:

Concurrences required in tariffs to or from Canada or Mexico.

A joint tariff naming rates or fares from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in these regulations and without reservation by all lines that are parties to the through rates or fares and that participate in transportation thereunder; or.

Divisions must be filed.

a statement of the divisions of the rates or fares accruing to the roads in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

(Adopted March 7, 1910.) The purpose of the above rule, requiring the domestic carriers to publish their divisions of rates and fares to and from Canada or Mexico is to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over carriers in adjacent foreign countries.

Permission for changes on less than statutory notice in rates or fares from a point in Canada through the United States to a point in Canada.

(Adopted January 13, 1910.) Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 10 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such freight traffic now

in bond and that no transit or stop-over privileges is allowed thereon within the United States, and that tariff so states; and provided further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

Fares from a point in Canada through the United States to a point in Canada may be changed upon like notice, provided no stop-over privilege is allowed thereon within the United States and that tariff so states; and provided further, that such fares be published in tariffs which contain only fares that have neither origin nor destination in the United States.

Each tariff publication in which changes in rates are made upon short notice under the terms of this Rule shall bear on its title-page the notation: "Issued under authority of Rule 72, Interstate Commerce Commission Tariff Circular 18-A."

Validation of round-trip passenger tickets.

73. VALIDATION OF ROUND-TRIP PASSENGER TICKETS (adopted May 12, 1908).—(*a*) The condition that a round-trip passenger-fare ticket shall be validated for the original purchaser by carrier's agent at a given point is one of the conditions which affects the value of the service rendered to the passenger, and is one of the conditions that must be observed the same as the rate under which the ticket is sold, and must therefore be stated in the tariff under which it is sold. The tariff may provide for validation at numerous points, and it may provide for validation at any point intermediate to the original destination named in the ticket.

The conditions stated upon the ticket should not conflict with the tariff provisions, but if in any case there should inadvertently be conflict between the tariff provisions and the conditions stated on the tieket the tariff rule must govern.

Validating tickets in cases of illness or death.

(Adopted November 12, 1908.) A carrier may provide in its tariff that in case of illness or death of passenger or member of his family who is traveling with him, specified officer of carrier may validate round-trip tickets held by such passengers at point short of that at which tickets would otherwise be validated.

Failure to validate passenger ticket.

* (*b*) (Adopted December 8, 1908.) A carrier may lawfully incorporate in its tariff a rule providing that when a passenger is compelled to pay the regular return fare because of his failure to have his round-trip ticket validated at the designated point, the carrier will refund the

extra fare upon the filing with it of an affidavit by the holder of the round-trip ticket, certifying that the ticket has been used in accordance with all the conditions of the tariff and the contract on the ticket, except as to the matter of validation. (See Rule 34 (*g*).)

Reconsignment.

74. RECONSIGNMENT PRIVILEGES AND RULES (adopted May 5, 1908).—(*a*) Usually the combination of intermediate rates is higher than the through rate. Frequently a shipper desires to forward a shipment to a certain point and have the privilege of changing the destination or consignee while shipment is in transit or after it arrives at destination to which originally consigned, and to forward it under the through rate from point of origin to final destination. Many carriers grant such privilege and generally make a charge therefor.

The privilege is of value to the shipper, and in order to avoid discrimination it is necessary for carrier that grants such privilege to publish in its tariff that fact, together with the conditions under which it may be used and the charge that may be made therefor. Such rules should be stated in terms that are not open to misconstruction.

Change of destination is a reconsignment, unless otherwise provided in tariff.

(*b*) Some carriers do not count a change of consignee which does not involve a change of destination as a reconsignment, while others do consider it a reconsignment and charge for it as such. The Commission holds the view that, without specific qualification, the term "reconsignment" includes changes in destination, routing, or consignee. If carrier wishes to distinguish between such changes in its privileges or charges it must so specify in its tariff rules. Reconsignment rules and charges must be reasonable, and a charge that would be reasonable for a diversion or change of destination might be unreasonable when applied to a simple change in consignee which did not involve change in destination or more expensive delivery.

Publish, post, and file demurrage charges.

*75. DEMURRAGE ON INTERSTATE SHIPMENT (adopted May 12, 1908).—The Act requires that carriers shall publish, post and file "all terminal charges * * * which in any wise change, affect, or determine * * * the value of the service rendered to the passenger, shipper, or consignee," and all such charges become a part of the "rates, fares, and charges" which the carriers are required to demand, collect, and retain. Such terminal charges include demurrage charges.

(a) On March 16, 1908, the Commission decided that demurrage rules and charges applicable to interstate shipments are governed by the Act to regulate commerce, and therefore are within its jurisdiction and not within the jurisdiction of States authorities. Any other view would open a wide door for the use of such rules and charges to effect the discriminations which the Act prohibits.

Demurrage on interstate shipments within jurisdiction of Interstate Commerce Commission.

Demurrage rules and charges as published and filed must be observed as strictly as transportation rules and charges. (The Commission have approved, but not prescribed, the Uniform Demurrage Code, as adopted by the National Association of Railway Commissioners.)

Tariffs must be observed.

*76. SUBSTITUTING TONNAGE AT TRANSIT POINT (adopted June 29, 1909.)—A milling, storage, or cleaning-in-transit privilege can not be justified on any theory except that the identical commodity or its exact equivalent, or its product, is forwarded from the transit point under the application of the through rate from original point of shipment. It is, therefore, not permissible to forward from transit point on transit rate commodity that did not move into that transit point on transit rate, or to substitute a commodity originating in one territory for the same or like commodity moving into transit point from another territory, or to make any substitution that would impair the integrity of the tariff rate or rates. It is not practicable to require that the identity of each carload of grain, lumber, salt, etc., be preserved, but, it is not lawful to substitute at the transit point any commodity of a different kind from that which has moved into such transit point under a transit rate or rule. That is to say, oats or the products of oats may not be substituted for corn, corn or the products of corn for wheat, nor wheat nor the products of wheat for barley, nor may shingles be substituted for lumber, nor lumber for shingles, nor may rock salt be substituted for fine salt, nor fine salt for rock salt; likewise oak lumber may not be substituted for maple lumber, nor pine lumber for either oak or maple, nor may hard wheat, soft wheat, or spring wheat be substituted either for the other. These illustrations are given not as covering the entire field of possible abuses, but as indicating the view which the Commission will take of such abuses as they arise.

Substituting tonnage at transit point.

To the end that abuses now existing at transit points may be eliminated, carriers will be expected to conform

their transit rules and their billing to the suggestions of this rule. In the event of the failure of any carrier so to do, reductions of legal rates caused by transit abuses will be regarded as voluntary concessions from legal rates. (See *In the matter of Substitution of Tonnage at Transit Points,* 18 I. C. C. Rep., 280.)

*77. PUBLISHING AND FILING TARIFFS UNDER AMENDED FOURTH SECTION OF THE ACT (adopted February 13, 1911).—If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Commodity tariffs from points of production; need not apply from intermediate nonproducing points.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further ordered, carriers may file tariffs containing commodity rates applicable from known points of production without making such rates applicable from all intermediate points. Each such tariff shall bear on its title-page the following notation:

Notation on commodity tariff applying only from points of production.

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18–A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

Permission to establish commodity rates from intermediate points on short notice.

In observance of this Rule carriers may on one day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing such rates from intermediate points which do not exceed the rates from the more distant point on same line or route, provided no advance is thereby made in any existing rate.

Permission to establish commodity rates to intermediate points on short notice.

Ordinary rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination but, in instances where the intermediate application of rates is impracticable or where conflicting rates would result therefrom, commodity rates may in the first instance be established to such intermediate destinations not higher than to more distant points on same line or route on like notice as from points of origin, provided no advance is thereby made in any existing rate.

Permission to eliminate higher charges for shorter hauls on short notice.

For the purpose of eliminating from tariffs higher charges for shorter hauls as some are referred to in the amended fourth section of the Act, and when same have been in effect thirty days or more, carriers may make such changes effective on one day's lawful notice to the Commission and to the public, provided such changes are in each instance reductions in rates, fares, or charges. (See Rule 56.)

Notation on supplement.

A tariff or supplement containing rates or fares issued upon short notice under authority of this Rule must bear on its title-page or in connection with the item containing the rate or fare the following notation:

Issued under authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A. The rate (fare, or rates or fares) hereby reduced appears (or appear) in ——— tariff I. C. C. No. ———, item (or page) ———, and the rate (fare, or rates or fares) from (or to) ——— [name it], the more distant point, appears (or appear) in ——— tariff I. C. C. No. ———, item (or page) ———.

When relief from the long and short haul provision of the fourth section of the Act has been granted.

When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

Notation on tariff.

This tariff contains rates (fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. — of [date] 19—

When relief from combination provision of fourth section of the Act has been granted.

When the commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

Notation on tariff.

This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. — of [date] 19—.

This Rule no waiver of amended fourth section of Act.

Nothing in this Rule may be construed as waiving any of the provisions of the amended fourth section of the Act to regulate commerce.

A true copy:

Edw. N. Wasley

Secretary.

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FREIGHT TARIFFS AND CLASSIFICATIONS.

[Abbreviations: n, note; p, preface. Italic letters indicate paragraphs.]

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DEMURRAGE AND CAR EFFICIENCY

ONE OF 8 SERIES OF TREATISES IN AN INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

F. A. PONTIOUS
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INTERSTATE COMMERCE
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RAILWAY TRAFFIC COURSE

The subjects listed below constitute the basic material of a course in Interstate Commerce and Railway Traffic. This course is especially designed to meet the constantly growing demand for efficiently trained men in railroad and industrial traffic work; to assist students to pass the examinations for government service under the Interstate Commerce Commission; and to meet the demand for men competent to direct the work of commercial organizations and traffic bureaus. With the exception of the Atlas of Railway Traffic Maps, the subjects listed below are covered in an average of approximately 200 pages each.

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Railway Regulation
The Act to Regulate Commerce and Supplemental Acts
Conference Rulings; Procedure Before the Interstate Commerce Commission; Grounds of Proof in Rate Cases
Application of Agency Tariffs
The Law of Carriers of Goods
Practical Traffic Problems

LASALLE EXTENSION UNIVERSITY

DEMURRAGE AND CAR EFFICIENCY

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• Chicago •
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I

DEMURRAGE AND CAR EFFICIENCY

CHAPTER I

INTERSTATE REGULATIONS

Definition and History of Demurrage

Before the days of the railroad, the term "demurrage" was applied to the money penalty collected for undue delay in discharging the cargo of ships. Today it is applied also to the charge made by railroads against shippers for the detention of cars beyond a specified time called "free time." The charge may be made either for the detention of empty cars placed for loading or for the detention of loaded cars. The collection of demurrage was first inaugurated in the United States about 1887,[1] at which time it was applied by only a few roads. It is now applied universally on all roads throughout the United States under a uniform joint tariff issued by G. E. Fairbanks as agent for all the railroads. The only variations are in connection with export and import freight at ocean and gulf ports, and on vessel coal at ocean, gulf, and lake ports.

It is probably safe to say that there are no charges assessed in connection with the handling of freight traffic that have, in the past, caused more trouble than demurrage charges. The shipper may be overcharged in freight several dollars without detecting it, but let him see an item of "Demurrage.....$2" upon his freight bill,

[1]The first demurrage bureau, or car-service association, as it was then called, was organized at Omaha, Neb., October, 1887.

and a vigorous protest will be forthcoming. The principal reason for this has undoubtedly been that the shipping public has not appreciated the fact that demurrage charges represent absolutely no profit to the carrier but rather are a necessary penalty imposed by the carriers to enforce prompt release of their equipment.

If the shipper would stop to consider that $2.00 a day, or even $5.00, does not much more than pay for the necessary bookkeeping, extra switching, and handling (let alone representing any fair proportion of the revenue which the carrier would obtain from the use of the cars for transportation purposes) there would not be so much complaint.

It should also be borne in mind that the Act to Regulate Commerce requires carriers to furnish transportation upon a reasonable request therefor, but that it is no part of the duty of the common carrier by rail to furnish warehouses for the storage of freight so transported, even though the convenience of its patrons may so require. Carriers may, and should be permitted to, impose such charges as will compel the removal of freight from their cars and depots. Demurrage charges are published solely with a view to safety and to securing quick delivery, and were not based upon any computation of the value of the service plus cost of insurance, but were fixed sufficiently high (it was thought) to make effective the regulations requiring prompt removal.

Let us now take up the study of demurrage with the idea clearly in mind that demurrage charges, unlike transportation charges, are only a means of assisting the carriers to secure, for themselves and for the public, the greatest possible use of freight equipment in this country. Hence the highest demurrage charges which are assessed

usually represent small payment for storage that would otherwise have to be secured at considerable expense and inconvenience.

With this preliminary view of the place that demurrage charges fill in our system of charges in connection with the transportation of freight, we will give attention to practices in connection with the assessing of demurrage charges.

Demurrage on Interstate Shipments

For a long time the assessing of demurrage charges was looked upon as being subject to state regulation on the ground that charges assessed for the detention of a car were not a part of the interstate movement, but in 1908 the Interstate Commerce Commission definitely took jurisdiction in the assessing of demurrage charges.

On March 16, 1908, the Interstate Commerce Commission issued Conference Ruling 54, which reads as follows:

> Questions of demurrage and car service on interstate shipments are within the jurisdiction of the Interstate Commerce Commission, which does not concur in the view suggested by certain state commissions that such matters, even when pertaining to interstate shipments, are within their control.

On May 12, 1908, Conference Ruling 223, which reads as follows, was issued:

> (a) The act requires that carriers shall publish, post, and file "all terminal charges * * * which in any wise change, affect, or determine * * * the value of the service rendered to the passenger, shipper, or consignee," and all such charges become a part of the "rates, fares, and charges" which the carriers are required to demand, collect, and retain. Such terminal charges include demurrage charges.
>
> (b) On March 16, 1908, the Commission decided that demurrage rules and charges applicable to interstate shipments are governed by the act to regulate commerce, and therefore are within its jurisdiction and not within the jurisdiction of state authorities. Any other view would open a wide door for the use

of such rules and charges to effect the discriminations which the act prohibits.

(c) Demurrage rules and charges must be observed as strictly as transportation rules and charges. The Commission can not, therefore, recognize as lawful any rule governing demurrage the application of which is dependent upon the judgment or discretion of some person, or which provides for exemption therefrom in certain exigencies in the creation of which the carrier has no part. Interstate tariffs containing such rules must be corrected or canceled.

In the same year that the above rulings were issued, the matter came before the Interstate Commerce Commission in the case of Wilson Produce Company et al. vs. Pennsylvania Railroad Company. The cause of this complaint was a tariff issued by the Pennsylvania Railroad, which read as follows:

LOCAL FREIGHT-TARIFF CHARGES FOR TRACK STORAGE ON CARLOAD FREIGHT AT PENNSYLVANIA LINES PRODUCE YARDS, PITTSBURGH, PA.

(To be applied from April 1 to December 15, inclusive, of each year.)

Fruits and vegetables, in carloads, from interstate points, arriving at Pittsburgh via Pennsylvania Railroad, Pennsylvania Company, and Pittsburgh, Cincinnati, Chicago & St. Louis Railway, will be delivered from track, and after the expiration of forty-eight (48) hours the following track-storage charges will be assessed in addition to the regular car-service charges:

For first two days the charge will be $1 per car per day or fraction thereof.

For the next succeeding two days the charge will be $3 per car per day or fraction thereof.

For each succeeding day the charge will be $4 per car per day or fraction thereof.

Sundays and legal holidays will be excepted when computing free time and storage charges.

From October, 1902, until May, 1907, charges were paid by dealers detaining cars beyond the free time. In 1907 the Legislature of the state of Pennsylvania passed the following law:

An act to provide the maximum car-service charges, including car-storage charges, that railroad companies and corporations, or

associations, may charge and collect on each car loading and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars.

SECTION 1. Be it enacted, etc., That it shall be unlawful for any railroad company, association, or corporation to charge and collect more than one dollar per day of twenty-four hours, or fraction of a day, for car-service charges, including storage charges, on each car unloading and not unloaded within the free time for loading and unloading the same.

Free time for loading or unloading all freight shall be as follows: Computing from 7 o'clock ante meridian of the day following placing of the car, and mailing of notice thereof, forty-eight hours. When a car is placed after 12 o'clock meridian of any day, the free time shall be computed from noon of the day following placing.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

It may be well to state here that track storage, as referred to in this case, applies to a charge made for the storage of cars on the tracks of carriers, in addition to the charge made for the use of the car itself, the theory, of course, being that not only are the carriers deprived of the use of the length of track required for the car as well as of the car itself, but other shippers are deprived of the opportunity of getting their cars placed at the favorable point. Track storage charges are applied only at points where there is an extremely great demand for the use of the tracks and where because of the peculiar conditions surrounding the location it is practically impossible to increase the trackage. As the same general principles apply in connection with the track storage as apply in assessing demurrage charges, it is sufficient to state that such charges may be legally assessed, subject to the limitation, of course, that they are reasonable.

In the case just referred to, the complaint was made that the provisions of the Pennsylvania Railroad Tariff were contrary to the provisions of the act of the Pennsylvania Legislature which has just been quoted. The Interstate Commerce Commission, therefore, discussed the question as to whether or not the state of Pennsylvania has authority to fix the charges which a railroad may impose for demurrage or storage in its cars when such cars have been used in an interstate movement.

As the decision in this case is important in that it shows the attitude of the Commission in the matter of demurrage on interstate shipments, a considerable portion of the Commission's own words is quoted herewith:

Track storage charges when associated with an interstate movement appertain directly to interstate commerce. They represent the carrier's compensation for services rendered in connection with the transportation. A shipment is not completed until arrival at destination and delivery to the consignee; and the authority vested in Congress by the commerce clause of the Constitution covers everything related to the delivery of freight transported between the states. Rhodes v. Iowa, 170 U. S., 412, 426; Bowman v. Chicago & Northwestern Ry., 125 U. S., 465; McNeill v. Southern Ry. Co., 202 U. S., 543, 559.

In the case of Interstate Commerce Commission v. Detroit, Grand Haven & Milwaukee Ry. Co., 167 U. S., 633, the Supreme Court suggested that the Commission would be acting within its powers if it should order that railway companies should regard cartage, when furnished free, as a terminal charge and include it in their schedules. If cartage charges may be regarded as a proper subject for national regulation, Federal authority over demurrage and track storage charges in connection with interstate commerce can not be challenged.

We think we may go further and hold that the Federal authority in this field is exclusive. It is well settled that in the absence of Congressional action the states may legislate with respect to matters which are strictly local in character, even though by so doing they may to some extent regulate interstate commerce; but, as said by the Supreme Court in the Port Wardens case, 12 How., 319, "whatever subjects of this power are in their nature national, or admit only of one uniform system or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress."

The question of terminal charges imposed in connection with interstate transportation would seem to be within the scope of this principle. The subject is national in character, and uniformity of regulation is essential. If the individual states were permitted to legislate in this field, endless confusion and discrimination would be the result. Such legislation would operate as a direct burden upon interstate commerce and the Supreme Court has repeatedly refused to sustain state laws which had this effect. Wabash, St. Louis & Pacific Ry. Co. v. Illinois, 118 U. S., 557; Rhodes v. Iowa, 170 U. S., 412; Bowman v. Chicago & Northwestern Ry. Co., 125 U. S., 465; McNeill v. Southern Ry.

Co., 202 U. S., 543; Central of Georgia Ry. Co. v. Murphey, 196 U. S., 194, 204.

But it is unnecessary to decide that the Federal authority over this subject is exclusive, inasmuch as Congress has taken definite action and removed the subject altogether from the field of state regulation. The first section of the act to regulate commerce, after outlining the scope of the Commission's jurisdiction, defines transportation as including "all services in connection with the receipt, delivery, elevation, transfer in transit, * * * storage, and handling of property transported." Section six provides that the carrier's schedules "shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require." Beyond all possibility of doubt, therefore, the duty of regulating terminal charges when related to interstate transportation has been lodged with the Interstate Commerce Commission, and Federal courts have so held. United States v. Standard Oil Co., 148 Fed. Rep., 719, 722; Michie v. New York, New Haven & Hartford R. R. Co., 151 Fed. Rep., 694, 695.

In the first cited of these cases Judge Landis overruled a demurrer to the indictments charging a refund of storage charges with these words:

"The storage charge refund indictments are attacked by the defendant. There the allegation is that the published freight tariffs of the Lake Shore & Michigan Southern Railway Company showed that the carrier would impose a certain charge for the storage of shipments of petroleum after their arrival at Chicago; that a quantity of oil product was shipped from Whiting, Ind., to the Standard Oil Company at Chicago, and remained in the custody of the railway company until a substantial claim had accrued in favor of the carrier on account of such storage; and that the debt was canceled as a concession or rebate to the Standard Oil Company in respect of the transportation of the property. The law requires the published tariff to show everything in the way of terminal regulations which in any way affects the cost of the service rendered by the carrier, and such published terminal charge is no less binding on the parties than is the tariff specified for the transportation."

The power of Congress to act with reference to this subject is indisputable; that Congress has made provision for the regulation of these charges is just as clear; and it follows necessarily that a state law which conflicts with the Federal statute must give way. Interstate Commerce Commission v. Detroit, etc., Railway Co., 167 U. S., 633, 642. Gulf, Colorado, etc., Ry. v. Hefley, 158 U. S., 98. The authority expressly conferred upon the Interstate Commerce Commission would be nugatory if the concurrent authority of the state were recognized. We accord-

ingly proceed to consider the problem as an original proposition unhampered by the Pennsylvania statute.[3]

It having been settled that the Interstate Commerce Commission has jurisdiction over the collection of demurrage charges, the desire for uniformity in making these charges was given a considerable impetus. Although the question of uniform demurrage rules was before the National Association of Railway Commissioners for several years, it was not until 1908 that a committee was appointed to frame a uniform code of demurrage rules. This committee consisted of Mr. Lane, of the Interstate Commerce Commission, and one representative from the railway commission of each state. The actual work of drafting a code of rules was entrusted to a sub-committee of five. The sub-committee sought the assistance of practical demurrage men in the persons of the managers of two of the leading demurrage bureaus of the country and Mr. Arthur Hale, Chairman of the Committee on Car Efficiency of the American Railway Association. After much study and after public hearings, the code adopted by the sub-committee was approved by the general committee and, in turn, adopted by the National Association of Railway Commissioners at its annual session in Washington, D. C., in 1909.

The Interstate Commerce Commission, instead of exercising its authority over demurrage by prescribing demurrage rules, approved the code adopted by the National Association of Railway Commissioners. This code is known as the "National Car Demurrage Rules" or the "Uniform Code." Upon acceptance of this code by the Interstate Commerce Commission, the American Railway Association endorsed it in 1910. Since that date, changes have been made by the American Railway Association and approved by the Interstate Commerce Commission.

[3] 14 I. C. C. Rep., 170-77.

The fundamental features of the code of 1909, however, still remain.

Uniform Demurrage Rules

The National Car Demurrage Rules, or the Uniform Code, the name by which these rules are often known, are given in Appendix A. In connection with these rules, it may be well to consider briefly some of the reasons which have led to certain of the provisions, as an understanding of the underlying causes will assist in intelligently interpreting the rules.

Rule 1—Cars Subject to Rules

In connection with the provision that cars held for or by consignors or consignees are subject to the demurrage rules, certain exceptions are made.

The first exception under Section B is, naturally, that of cars under load with company material for use of and consigned to the railroad in whose possession the cars are held. There is no object in asking the carrier to go through the steps necessary to charge itself with demurrage, when no additional revenue would be obtained. If the carrier were to go through the form of collecting demurrage from itself, it can readily be seen that the principle of imposing such charge to compel the removal of the freight would be defeated.

The second exception is in the case of cars loaded with live stock. This provision should be carefully noted, as the exception applies only to cars which are *loaded* with live stock, not to cars which have been *placed* for loading. The reason that cars loaded with live stock are excepted from the general provisions of this rule is because of a federal statute forbidding the holding of live stock in cars in excess of thirty-six hours, this time including time in transit. As a result, cars are not held, except in ex-

treme cases, beyond the free time. It would therefore be needless to go to the expense of including these cars in the carriers' car accounts.

The third exception is in the case of cars placed for loading coal at mines or mine sidings, or coke at coke ovens, and cars under load with coal at mines or mine sidings, or coke at coke ovens. This class of equipment has been excepted from the provisions of the uniform demurrage rules because the problem of proper distribution of coal and coke cars has been such a difficult one to solve that special rules have been provided for the handling of coal and coke equipment. As one of the objects of demurrage is to secure proper distribution of equipment, it will readily be seen that application of demurrage charges, because of this special provision, would bring about a conflict with rules especially designed to meet individual situations.

The fourth exception is necessary because of the peculiar nature of private cars. Under the provisions of part 4 (b) of Section B of this rule, private cars in storage on railroad tracks are not subject to demurrage, but in this regard are treated in exactly the same manner as are cars of railroad ownership. On the other hand, when these cars of private ownership are held for loading or unloading on private tracks of the same ownership, no demurrage charges will be assessed. In this case the private cars are not treated as one of the general instrumentalities of transportation, but rather as a part of the plant facilities of their owner. It is worth while to notice that the Supreme Court held in 225 U. S. 282 that the carriers were within their legal rights in collecting demurrage on private cars on private tracks; but as the railroad admitted later that such charges were not justifiable, the Interstate Commerce Commission ordered the establishment of the present rule.

Rule 2—Free Time

It will be noted that Rule 2 provides that forty-eight hours will be the standard of free time for loading or unloading and that twenty-four hours will be allowed for any other purpose for which a car might be held for a shipper or consignee. Specific statements are made to show just what work must be finished in order to make complete the task of loading or unloading. The former includes not merely the duty of actually placing the goods to be shipped in the car, but also the requirement of furnishing forwarding directions. 'Inasmuch as the railroad cannot begin the work of transportation until both these specifications are met, it seems reasonable to include both within the shipper's duties in loading. Unloading is similarly defined to include all the steps necessary for a completion of the whole transaction between the carrier and the consignee. If a car is both unloaded and reloaded, each operation is considered separately, and demurrage assessed accordingly.

In arriving at a free time, consideration was given only to what would be a reasonable time for the accomplishment of the act to be performed. The placement of freight in a car, or its removal from the car, requires labor and necessarily consumes some time, and forty-eight hours (two days) is generally conceded to be a reasonable time for performing such labor. The placing of reconsignment or rebilling instructions or switching orders requires but a mere fraction of time; in fact, orders can be given for ten cars almost as readily as for one car. Therefore one day is considered reasonable for these other acts, which require the merest minimum labor, if any. As the Demurrage Code deals in days, and fractions of days are considered as a day, one day free was allowed for these other acts.

Section C of this rule calls attention to the fact that

the carriers make special provision for freight to be moved by vessel. Vessels do not always move with regularity, particularly vessels plying between the United States and foreign countries. It is very common, therefore, for the carriers to allow several days' free time at each port.

Rules 5 and 6—Constructive Placement

In connection with the placing of cars for loading or unloading, the term "constructive placement" is often used. This term is used when it is impossible for the carriers to deliver cars at a specified point, as on a private siding. Suppose, for example, that a consignee has a private siding which will hold three cars and that the siding is filled to capacity when a fourth car is received. In this event, the carrier cannot actually deliver the car to the consignee because there is no room for it. The carrier would then notify the consignee in writing of its readiness to deliver. This is known as "constructive placement." The term "actual placement" means that the car is delivered at the exact point where the consignee wishes it to unload. Constructive placement is, in effect, a notification by the carrier that the car is ready for delivery but cannot be delivered.

Rule 8—Claims

Rule 8 makes various provisions for cases where carriers may not collect demurrage charges. In the past, the question of the collection of demurrage charges was often left in the hands of the representative of the carrier, such as the station agent, who might or might not waive the collection of demurrage charges. This often produced a very unsatisfactory state of affairs, particularly where shippers were able to influence carriers to have the collection of demurrage charges overlooked. It is now required of carriers that demurrage charges be collected except in the specific cases mentioned in Rule 8.

If exceptions arise beyond the specific exceptions mentioned in this rule, it is the carrier's duty to collect demurrage and refer the matter to the Interstate Commerce Commission if circumstances seem to warrant.

Rule 9—Average Agreement

Shippers who are receiving and forwarding a considerable number of cars often find the average agreement specified in Rule 9 of considerable advantage.

In this connection, it should be known that the agreement form is to be signed by the shipper. It should also be noted that credits and debits are computed at the end of each month and that no credits or debits will be considered in the following month. It should also be noted that shippers working under the average agreement cannot claim the exemptions shown in Section B of Rule 2 or Section A, paragraph 1, or Section B of Rule 8.

There has been a very decided opinion among many railroad men that the average agreement does not promote car efficiency. Table 1 contains a digest of facts developed by inquiries sent to the various demurrage bureaus throughout the country. It may safely be said that the results of the average agreement have not tended to show that this agreement has made for increased car efficiency.

It will be noted that the Pacific Car Demurrage Bureau is one of the bureaus which had not adopted the average agreement. With the taking over of the railroads by the federal government, as a war measure, and their operation by the Railroad Administration, the average agreement was made effective in the territory of the Pacific Car Demurrage Bureau, under the Uniform Joint Demurrage Tariff referred to on page 3. Mr. Mote, the former manager of this bureau, contended that the most effective way of increasing car efficiency was by higher demurrage and he charged that the results obtained in his territory would seem to warrant this stand.

TABLE 1

A Digest of Facts Developed by Inquiries Sent to the Various Demurrage Bureaus

	Number of average agreements in effect.	Percentage of the total number of cars reported covered by average agreements.	Are signers of the average agreements generally confined to those handling a large number of cars?	Are signers of the average agreement confined to those shipping or receiving certain commodities, or to those engaged in any particular line of business?	Is advantage taken of the privilege of the average agreement by Commission Merchants or Brokers in goods sold after arrival at destination?	Is there a disposition on the part of signers of the average agreements to be active in the piling up of credits during a part of the month to offset by "loafing" in another part of the same month?	Is the average detention to cars greater or less than under the "straight rules"?	Please furnish statement showing detention and demurrage under the average rule and the amount of demurrage which would have accrued with the same detention under "straight rules."		
								Detention	Average Plan	Straight Rules
Alabama D. & S. Bureau..	131	.13	Yes	Various	No	Yes	Greater	1.72	1490.00	4623.00
Canadian Freight Assn....	Average demurrage rule not in effect in this district.									
Central D. & S. Bureau...	948	.49	No	No	No	No	Greater	†	6690.00	19212.00
Chicago Dem. Bureau.....	888	.46	No	No	Yes	No	Greater	1.82	12875.00	23197.00
East Tenn. D. & S. Bureau	190	.34	No	No	No	5% do	Greater	1.50	719.00	3130.00
Ill. & Iowa Dem. Bureau..	1052	.16	Yes	No	No	No	Greater	1.84	6476.00	13454.00
In Arkansas.....	178	.04	No	No	Yes	†	Greater	†	3269.00	6571.00
Intermountain Dem. Bu...	85	.15	Yes	No	Yes	No	Less	†	297.00	543.00
Louisville D. & S. Bureau	448	.34	Yes	No	No	Few cases	Greater	1.43	1980.00	5607.00
Missouri Val. D. & S. Bu.	935	.23	No	No	No	No	Greater	†		
N. C. Dem. Bureau.....	126	.21	No	Both	Yes	Yes	Yes	1.62	1472.00	3749.00
Northern Dem. Bureau....	803	.17	No	No	Yes	No	Greater	†		
Pacific Car Dem. Bureau..	Average agreement not in effect in this territory.									
Southeastern Dem. Bureau	556	.22	Yes	No	No	No	Less	1.85	4395.00	6583.00
Tenn. D. & S. Bureau.....	106	.26	Yes	No	Yes	No	†	†	†	†
Va. & W. Va. Dem. Bu....	601	.22	Yes	No	No	No	Greater	1.49	2959.00	7422.00
Western Dem. Bureau.....	556	.17	Yes	No	No	Yes	†	†	†	†
Wisconsin Dem. Bureau...	500	.31	No	General	One such	Cannot say	Less	1.49	2800.00	6896.00
Total.....	8103								45422.00	100987.00

† Not Answered

Quotations from the opinions of a few demurrage bureaus will show something of the feeling on this subject as shown by the reports.

East Tennessee Demurrage and Storage Bureau:

Our observation and experience is that Rule 9 decreases car efficiency, and has in its favor that portion of the rule eliminating bunching and weather allowances.

Illinois and Iowa Demurrage Bureau:

In our judgment, the average agreement plan makes for car inefficiency, for it encourages and permits patrons to excessively hold cars over time simply because they unloaded other cars promptly and in a less time than the limit fixed by demurrage rules, which cars very probably would have been unloaded with equal facility even had patron not been working under the average agreement.

Virginia and West Virginia Demurrage Bureau:

From my observation and experience with the average agreement, there are no points in favor of the plan from a car-efficiency standpoint; on the contrary, the plan makes directly against car efficiency in that it allows time in excess of the general average time consumed in loading and unloading cars. In my judgment, no tariff should be made in such way as to provide that a charge for demurrage on one car shall be dependent upon the handling of some other car.

Wisconsin Demurrage Bureau:

Our observation is, and experience has been, that the average agreement benefits mostly those firms whose outbound business exceeds their inbound. That to this extent, therefore, it makes for car inefficiency. Practical demonstrations have already been given to the National Association of Railway Commissioners and that the rule is decidedly obnoxious from a car-efficiency standpoint. Any rule that will shrink the penalty for car detention correspondingly fails in the effect to be derived.

In theory, of course, the average agreement provides a premium upon the prompt unloading of cars, which should bring about the release of equipment in the short-

est possible time. By the manipulation which is possible under this agreement, however, car efficiency may easily be defeated by those who desire to do so. Particularly is this true in many lines of business where certain cars can be handled promptly or where the necessities of the business compel that they be handled promptly, while it is often advantageous to hold other cars to the limit of time, this being made possible by the credits accruing on cars handled promptly.

A study of the uniform demurrage rules will develop the fact that, after all, they are calculated to do justice to both shipper and carrier, a definite provision being made to take care of such situations as arise in connection with the handling of cars and in the creation of which the carrier had a part.

Exceptions to the Uniform Code

The brief digest just given will show the application of the demurrage rules which apply on interstate business throughout almost the entire United States and on intrastate business within a number of the states. There are a few exceptions to the Uniform Code, as noted in the rules given in Appendix A. It will be well to glance briefly at some of the principal exceptions. You will notice that these exceptions are largely of a minor nature and do not materially injure the uniform character of the rules.

In some places a track-storage charge is assessed in addition to the regular demurrage charges provided in the Uniform Code. As has been explained, this charge is practically a rental for the use of the ground and is assessed only in places where the congestion is likely to be extreme. The penalty assessed on such cars is therefore cumulative and is quite a spur to prompt release of equipment.

Your attention has already been called to the fact that in the computation of free time, only 24 hours will be

allowed when cars are held for reconsignment, diversion, or reshipment, or are held in transit on the order of the consignor, consignee, or owner. The general rule applied by the carrier is that the final disposition made of the car determines the purpose for which it is held, and charges will be assessed accordingly. For instance, if a shipper orders a car into his warehouse to unload but receives at once an order for those goods and 48 hours later reconsigns the car, the carriers hold that the car was held for such reconsignment and assess demurrage after the end of the first 24 hours.

A notable exemption is carried on freight in bonds for customs entry and government inspection. It is of course obvious that charges should not be assessed against the shipper for any delays which may be due to the inability of the government representatives to handle their work promptly.

As pointed out earlier in the text, in the same way cars containing freight for trans-shipment to vessels are allowed free time at the port in excess of that provided by the Uniform Code. It is frequently impossible to make the transfer immediately, because of failure of the vessel to arrive on scheduled time or impossibility of securing docking space or some other similar reason. Therefore special tariffs are on file with the Interstate Commerce Commission, carrying such rules.

The fact that there is no standard system of grading grain makes it necessary for a special provision to be made for the allowance of additional time for the inspection and grading at various points. Instances are on record where grain has moved through fifteen different markets, in each of which it was subject to official inspection before it was finally unloaded.

The various exceptions to the Uniform Code which have been noted have as their principal aim the adaptation of a code which is as a whole entirely satisfactory, so that

individual conditions in various sections of the country will be satisfactorily taken care of. Bearing in mind that demurrage has as its main object the prompt release of equipment, the carriers show their good judgment in providing for an elasticity that will work for the best interests of all, for certainly the proper supply of proper equipment is a matter of highest importance to shippers, carriers, and the public in general.

CHAPTER II

INTRASTATE REGULATIONS [1]

In General

Demurrage charges on intrastate business are regulated in some cases by statutes passed by the legislatures and in other cases the regulation of demurrage is in the hands of commissions, such as public service commissions, public utilities commissions, etc. Many of the regulations are carelessly drawn and their provisions are often not entirely clear. In numerous cases the regulation of demurrage represents abuses or imagined abuses to which shippers have been subjected by the carriers, as is shown by the fact that in some states there are provisions included in demurrage regulations which, as a matter of fact, have nothing to do with demurrage.

Among such demurrage provisions are reciprocal demurrage, which will be explained a little further on; storage regulations for less-than-carload shipments; provisions limiting time of shipments in transit; methods of ordering cars; penalties for failure to receive cars promptly from a connecting line; provisions giving preference in movement to shipments of live stock and perishable commodities; provisions making permissible a charge for the empty haul of a car ordered and not used; provisions prescribing method of notice of arrival for "shippers' order" shipments; provisions requiring carriers to notify consignor of refusal of shipment by consignee and making consignor liable for storage and demurrage charges after such refusal; provisions stating that cars will not be placed or forwarded for shippers in

[1] It should be noted that during the period of federal administration, the Uniform Demurrage Code was revised and made applicable on all business, both intrastate and interstate. Furthermore, since the Transportation Act forbids the reduction of any rate without the consent of the Interstate Commerce Commission prior to Sept. 1, 1920, the various features of the state codes will unquestionably remain in disuse until that time. However, in view of the attitude maintained by some of the state authorities, and in view of the further fact that many of these state regulations are prescribed by law, there is no question but that many of these intrastate rates and regulations will again be enforced after that date.

arrears of payment of demurrage; provisions requiring carriers to furnish grain doors, etc. As is the case in legislation which is drawn in the heat of controversy, these statutes are often far from being scientific or bringing about the desired results.

As has been the case in connection with demurrage in general, reciprocal-demurrage provisions have been made to cover a multitude of other matters, such as delay in accepting shipments and issuing bills of lading; failure to move shipments at a prescribed speed, etc.

Normal Free Time

Two very important features of any demurrage code are the time allowed for loading and unloading and the charge made for the detention of cars beyond free time. Most states which regulate intrastate demurrage have charges fixed at one dollar. In Oregon the charge is two dollars and in California and Arizona it is three dollars. In Montana it is two dollars after the first five days following the expiration of free time. In connection with this latter state, it should be noted that additional penalty applies after cars have been held an abnormally long time.[1]

All but four states provide a normal free time of forty-eight hours. Florida allows seventy-two hours, Nebraska thirty-six hours on cars of certain capacity, New Jersey three days, and Vermont four days.

Additional Time for Unloading

We find, in a great many states, that more than forty-eight hours are allowed for unloading on specified commodities or for other reasons applying in the individual

[1] In referring to the various specific provisions, it should be understood that they are subject to change. Reference should always be made to current tariffs.

case. In this connection, we quote from Bulletin 191, issued by the United States Department of Agriculture:

In the matter of unloading, Alabama and Arkansas allow 72 hours on 13 specified commodities. Florida allows 96 hours on 9 commodities. Georgia allows 60 hours on coal. Michigan allows from 3 to 15 days on various commodities. Seventy-two hours are allowed on 5 commodities in Minnesota, on 10 in Montana, on 19 in South Carolina, on 2 in Texas, and on 14 in Virginia.

The agricultural products allowed additional time for unloading in Alabama, Arkansas, and Virginia are fertilizers and hay and the following commodities in bulk: cottonseed, cottonseed hulls, grain and potatoes. Alabama includes cottonseed meal also. The farmer derives an immediate benefit from the additional time allowed on fertilizers, and cottonseed products. Additional time on the other commodities give him a direct advantage only as he occasionally has to purchase them. An indirect and remote advantage accrues when he is selling on commission such of them as grain, hay, or potatoes. The agricultural products on which additional time is allowed in Florida are cabbage, cottonseed, cottonseed hulls, fertilizer material, potatoes, and seed cotton. Minnesota grants additional time on fruit and vegetables. South Carolina provides more liberally for agriculture by granting additional time on bran, cottonseed, cottonseed hulls, cottonseed meal, fertilizers, fertilizer material, grain, hay, meal, mill feed, bulk apples, and bulk potatoes.

Additional time is allowed in some States to consignees located a certain distance from the station. In Alabama from 4 to 6 days are allowed for distances of 3 miles or more. In Arkansas a maximum of 5 days is allowed for 5 miles and over. Mississippi allows 5 days for distances of from 3 to 10 miles and 7 days for distances over 10 miles. Oklahoma allows 72 hours for distances greater than 5 miles. South Carolina allows more time for distances greater than 4 miles. Texas allows 96 hours for distances greater than 5 miles.

Other provisions found in state codes are described as follows in the bulletin just referred to:

Colorado, Kansas, Mississippi, Missouri, and Texas allow 72 hours for unloading cars loaded in excess of 30 tons. Nebraska allows 60 hours for the same tonnage and Oklahoma makes it 72 hours for cars containing more than 66,000 pounds.

When a consignee receives in 1 day more than 3 cars of freight taking track delivery, Florida allows 96 hours free time on each

car in excess of 3, Georgia 78 hours, and South Carolina 72 hours. This is merely a variation of the provision in the national code in regard to bunching in transit.

When notice is given by mail, Arkansas allows 48 hours additional free time. Alabama, Florida, Georgia, Minnesota, South Carolina, and South Dakota each allow 24 hours additional free time under the same circumstances.

Miscellaneous Features of State Codes

A study of the various state codes develops an almost unlimited number of specific provisions applying in different states. Some of these, as already suggested, have nothing whatever to do with demurrage, but rather reflect a desire to remedy some condition which seemed to require altering.

Certain states provide that demurrage is not to be collected on private cars on private tracks. This makes the provision on intrastate business the same as that applicable for interstate movement.

Arizona and California penalize the carrier for failure to move cars received from a connecting line within twenty-four hours, no penalty, however, being provided for the originating carrier which does not move the car in the same time when received from the consignor. One statute forbids the soliciting or giving of tips for placing cars or for switching. The Colorado statute makes the capacity of the car, rather than its contents, the determining feature.

The New Jersey statute is notable for its brevity. It merely provides a penalty of one dollar a day after three days of free time for *unloading*. No penalty is provided for detention of cars for loading and other provisions of most demurrage codes are absent.

These provisions will serve to show the wide range of subjects covered in the various states. The study of the various statutes would develop many other provisions equally distant from the regulation of demurrage. The

instances cited, however, will demonstrate the necessity of a careful study of demurrage provisions in any specified section of the country.

The effect of state regulations upon demurrage charges will naturally depend somewhat upon the size of the state, the number of the inhabitants, and the nature of the traffic handled. In small states the effect of state regulations is insignificant, while in states like California and Texas intrastate regulations are of considerable importance, particularly where the goods produced in the state are consumed in that state.

CHAPTER III

RECIPROCAL DEMURRAGE AND PER DIEM

Reciprocal Demurrage

(a) Definition

Reciprocal demurrage is in reality not demurrage at all but a penalty provided for failure to furnish cars. It is based upon the idea that as the shipper or consignee has to pay a penalty for failure to load or unload cars promptly, the carrier, therefore, should be penalized for failure to furnish the cars ordered. The car shortage of 1906 emphasized this kind of argument with the result that a considerable number of reciprocal-demurrage laws followed.

Reciprocal demurrage is in effect on intrastate traffic only. The states providing for it by statute are Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Washington, and Wisconsin.

(b) Time Allowed for Furnishing Cars

The various states have widely varying provisions as to the time in which cars must be furnished under reciprocal-demurrage rule. Alabama allows from two to ten days, varying with the number of cars ordered. Arizona and California allow from forty-eight hours up, according to the number of cars ordered. Arkansas allows six days. Colorado and Mississippi allow five days. Florida allows two days for fruits and vegetables and four days for

other commodities. Georgia, Missouri, and Virginia allow four days. Kansas allows from three to ten days, according to the number of cars ordered. Minnesota allows forty-eight hours for terminal points and seventy-two hours for intermediate points. North Dakota allows seventy-two hours. Oklahoma allows from forty-eight to a hundred and forty-four hours, varying with the number. Oregon allows from five to twenty days. South Carolina provides three days for perishable commodities and four days for other shipments. South Dakota allows from three to six days, and Texas from three to eight days, depending upon the number of cars ordered. Washington allows from three to ten days, depending upon the number of cars ordered, the place where they are wanted, and whether or not the road has daily service with that point; shorter time is given for live stock than for perishable freight.

(c) Penalty for Failure to Furnish Cars

The penalty provided for failure to furnish cars is generally one dollar. The following states require other than a rate of one dollar: Texas, fifty cents; Florida, North Dakota, and Oregon, two dollars; Arizona and California, three dollars; Arkansas and Kansas, five dollars.

While reciprocal demurrage has probably been beneficial in many respects, it must be taken into consideration that such provisions often open the way to discrimination. The opportunity, for example, of paying rebates through failure to furnish cars on fictitious orders is quite apparent. Again, by collusion between carriers and shippers, cars may be set out en route and not turned over to the consignees until they are in a position to receive the cars. The Interstate Commerce Commission has never considered that it has any authority to penalize carriers by reciprocal demurrage, should it desire to do so.

Per Diem

So far we have dealt with questions relating to the penalizing of shippers and consignees by the carriers in cases where cars are not loaded or unloaded within a specified time. In this connection, it will be well to consider very briefly the question of charges assessed by carriers owning cars when those cars are on the lines of other carriers. Per-diem charges, as they are called, are unlike demurrage charges, as they are not a penalty to insure the prompt return of cars to their owner, but rather a rate of exchange between the owners of the cars.

There have been several different per-diem charges provided at various times. The original charge was 20 cents per day. In 1905 the per-diem charge was raised to 25 cents, while the penalty, or extra per diem, payable after cars had been held thirty days, was reduced to 75 cents. In the summer of 1906 this charge proved entirely insufficient to secure the return of cars to their owners; so a new agreement providing for a 50-cent charge was signed by the majority of the roads. With the increase of the per-diem charge the special penalty was abolished because it had proved unsatisfactory in certain respects. In 1908 the rate was again reduced to 25 cents, because the car-shortage problem no longer existed. Some of the New England roads which were receiving more *loaded* cars than they returned, served notice of their withdrawal from the per-diem agreement. In 1910 a rate varying from 30 to 35 cents a day in different seasons of the year was adopted. The sliding scale was to enable the carriers to make adjustments according to the varying demand for cars. Effective January 1, 1913, the per-diem rate was raised to 45 cents per day uniformly.

It will easily be appreciated that even with per-diem charges at the highest mark, barely more than the interest on the capital invested in the car is returned, while a car

service will earn several dollars a day, particularly the busy seasons of the year. The amount of per-diem arges is small as compared with the value of the cars to rriers in need of the equipment. Carriers needing uipment only at certain seasons of the year, or roads ving little equipment, can well afford to pay per-diem arges.

While the per-diem arrangement practically results in tting all the equipment of the country at the disposal the carriers, whether they own few or many cars, the nalty is often very effective with roads receiving small venue. Suppose that a road receives six or seven dol-:s a car as its share and has to pay per diem at the te of 45 cents a day for four days; the net revenue reduced to a very small amount to cover all other penses.

In place of per diem, the charge based upon the mileage ich a car travels is often assessed. Particularly is this e of private cars, such as refrigerator cars, used in transportation of meat. The fact that the carrier l have to pay in proportion to the distance which a car vels will often result in the prompt return of the car the owners, whereas if the car could be used upon the sis of a daily compensation, the amount would be so all that it would be a good investment for a carrier in cial need of the equipment.

The handling of per-diem matters is taken care of by ode of per-diem rules, which includes an agreement by railways that are parties to the code, governing the tlement for the use of foreign cars. A reasonable time required when a carrier wishes to withdraw.

The establishment of per-diem charges has unques-nably been very effective in bringing about greater car iciency, for while the charge for a single day for a gle car is small, it can easily be appreciated that a rge line, particularly one which is a receiver of freight

and not an originator, would be under very heavy expense, especially at certain times of the year.

Demurrage Bureaus

At one time there were a great many bureaus maintained by the carriers for the regulation of demurrage, but the number has constantly grown less for various reasons, until now there are twelve in existence, as shown in Appendix B. In some cases the tariffs were published by these bureaus, but to-day their work is entirely in administering the provisions of published tariffs.

In addition to the various demurrage bureaus maintained by the carriers, the New England Demurrage Commission, with headquarters at Boston, established in 1910 by the Interstate Commerce Commission, has supervision of demurrage practices in New England. All the lines in New England are members of it and the provisions of the various tariffs of the carriers which are members of the commission are administered by a demurrage commissioner. This commissioner was designated by the Interstate Commerce Commission and appointed by the railroads to arbitrate all doubtful or disputed cases growing out of the application of the demurrage rules which the shippers or the railroads desire to refer to him.

CHAPTER IV

RELATION OF DEMURRAGE TO CAR EFFICIENCY

It is not the purpose of this treatise to deal with the question of car efficiency at great length. The subject is one of ever-increasing importance to carriers and shippers alike. The carrier, as a servant of the public, is expected to furnish the necessary equipment for the transportation of freight that is offered. If such equipment is not forthcoming, the carrier not only fails in its duty to the public, but very often loses much revenue. On the other hand, the ability to secure equipment at the right time may spell the difference between success and failure in business. The question of car efficiency, then, is not, as it was once considered, a problem for the carriers only. The carriers and the public must work together to secure a maximum amount of transportation from the equipment owned by the carriers.

The Interstate Commerce Commission, in the Five Per Cent case, spoke as follows:

> We suggest a careful review of methods for increasing freight-car efficiency. In certain departments of railroading great advances have been made in efficiency in recent years; for instance, by increasing the train loading. On the other hand, the cost of the freight car as an element in the cost of transporting goods seems to have grown greater instead of less. The capital cost of equipment has increased more rapidly with recent years than the capital cost of the road. The ratio of the maintenance of equipment expense to gross revenue has grown largely, but it is not unreasonable to expect that such added costs can be overcome, as they have been in some other departments of railroading and in many other industries, by advances in management and

methods. It is, however, in the use and operation of cars that we must look for the most substantial economies. Mr. Daly, general superintendent of transportation on the Illinois Central, found that, even in the busy season, a freight car was moving in trains on that road only 3½ days out of every 30. Taking the average of all roads in official classification territory for the whole year, the time a car is moving in trains probably does not exceed 3 days out of 30, and the car is under load only 2 out of those 3 days. Furthermore, the cars under load are loaded on an average to only about 58 per cent of their capacity. The percentages of empty movement and of waste capacity in loaded cars have both grown, as appears by Table 2.

TABLE 2

EMPTY MOVEMENT AND WASTE CAPACITY OF FREIGHT CARS

	1903	1912	INCREASE	
	TONS	TONS	TONS	PER CENT
Average capacity per freight car..	30.9	39.5	8.6	28.2
Average freight car load:				
Per loaded car.....	19	22.8	3.8	19.6
Per loaded car, including return movement and caboose mileage	13	15	2	15.4
	CARS	CARS	CARS	
Total number of cars per freight train	30.3	34	3.7	12.1
Total number of loaded cars per freight train	20.7	22.4	1.7	8.2
Total number of empty cars per freight train	9.6	11.6	2	20.8

As pointed out by Mr. Daly, the economies which may be effected by greater car efficiency have only begun to be realized. The possibility of reducing the empty car movement should be examined. It is believed that by more careful management and through reasonable changes in regulations and practices car-loadings can be increased, and that both shippers' and carriers' detention of cars can be materially reduced. At the same time, the congestion at terminals, which is in large part both the cause and the result of such detention, can be greatly lessened. The greatest cause of car detention is perhaps the lack of regularity in the movement of freight. Much advance can undoubtedly be made in the way of developing freight train schedules, both in the terminals and between the stations.[1]

[1] 31 I. C. C. Rep., 411.

There are several significant statements made by the Commission, particularly the suggestion that a car is probably under load only two days out of thirty.

In the bulletin of the United States Department of Agriculture, to which reference has already been made, the author has the following to say:

> Under the totally inadequate demurrage charge prevailing throughout the greater part of the country there have grown up indefensible practices, altogether wrong in principle. This is especially true in the case of the coal brokers, grain dealers, commission men generally, and big manufacturing plants. In periods of acute car shortage and congested terminals there is an almost universal demand that carriers be compelled to increase their car supply, enlarge their terminal yards, and provide increased switching facilities, when it has never been shown that they are not already adequately equipped in these respects if cars were used for transportation solely and not used for storage warehouses. Increased expenditures for additional cars, more switch engines, and bigger yards mean increased interest charges which the commerce of the country must bear.[2]

It should not, of course, be understood that the shippers alone are responsible for many of the practices which have brought about a more or less unsatisfactory condition relative to car supply. The railroads, particularly in the past, have encouraged various practices which have tended to decrease materially car efficiency. Before the present state of efficiency in the assessing of demurrage charges, practices were often very loose and penalties very small; so the man who wished to do business without proper capital and storage facilities could utilize railroad equipment without being molested. In addition to failing to discourage shippers from making use of their equipment in unreasonable ways, there are many cases wherein the carriers did not utilize their cars to the best advantage by determining in advance where they would be

[2]Bulletin 191.

needed in loading their less-than-carload freight, in handling heavy traffic, etc.

Shippers and carriers are co-operating in various ways to bring about a maximum use of equipment, particularly in times of car shortage. It is a well-known fact that in the past cars have often moved with inadequate loads. Voluntary actions on the part of the carriers in increasing the minimum carloads where such minimums might be increased without doing injury to the shipper, and the fact that shippers now often suggest to their customers that they place a larger order of stable commodities, have resulted in heavier loading of equipment.

As the high demurrage rate has been given a very thorough trial in the territory governed by the Pacific Car Demurrage Bureau, a study of some of the results obtained in this territory will be of value. In a circular issued in February, 1914, Mr. Mote, Manager of this bureau, makes comparison between the results obtained in the territory governed by his bureau and the territory governed by the Intermountain Demurrage Bureau, which territories adjoin each other:

The demurrage rate in Intermountain Territory is $1.00 per day and the free time allowance for loading or unloading is 48 hours with a 24 hours allowance for stops in transit, the exceptions to these being 96 hours for unloading ores and concentrates and 48 hours on the same commodities when held in transit for sampling. Cars held for the loading of Live Stock are free from demurrage however long the delay.

The rate in California is $3.00 per day and the free time allowance for loading or unloading is 48 hours, except that 24 hours is allowed on tank cars of which more are used in California than any other State, our oil production in 1913 having been 98,000,000 barrels or the equivalent in capacity of 58800 tank cars of 10,000 gallons each. 24 hours is allowed for stops in transit and cars held in excess of 48 hours for loading Live Stock are subject to demurrage, the same as other commodities.

DEMURRAGE RATES

NOTE :—1st .00.

2nd $1.00 to January 6, 1913, and $3.00 thereafter.

	D	Relief	Refunds	Net Collections	Average Delay in Excess of Free Time		Days Held Overtime		Total
					State	Inter-State	State	Inter-State	
San Francisco, Oakland Angeles and Sacramen									
1st Period	39	9652	5481	103302	1.57	2.68	12502	43858	56360
2nd Period	29	11117	6354	125276	1.83	3.14	28215	55126	83341
Increase		1463	873	21974			15713	11268	26981
		or 15.16%	or 15.93%	or 21.27%					
Decrease									
All Stations in Californ Outside Those Above N									
1st Period	29	15326	12326	136219	1.91	3.26	22356	27811	50167
2nd Period	74	15192	14627	151221	2.24	3.25	53160	32178	85338
Increase			2301	15002			30804	4367	35171
			or 18.67%	or 11.01%					
Decrease		124							
		or 00.81%							
All California Stations Including Those Above N									
1st Period	94	24978	17807	239521	1.76	2.88	34858	71669	106527
2nd Period	47	26309	20981	276497	2.08	3.18	81375	87304	168679
Increase		1331	3174	36976			46517	15635	62152
		or 05.33%	or 17.82%	or 15.44%					
Decrease									

TABLE 3

PACIFIC CAR DEMURRAGE BUREAU—CALIFORNIA

ROAD	CARS REPORTED	CARS HELD OVERTIME	
		NUMBER	PER CENT
A. T. & S. F.	359475	8458	02.35
Salt Lake	76949	2435	03.16
Southern Pacific	886872	21894	02.47
Western Pacific	32153	1121	03.49
Tonopah & Tidewater	1341	7	00.52
Total	1356790	33915	02.50
Total All Roads	1517598	35937	02.37

TABLE 4

INTERMOUNTAIN DEMURRAGE BUREAU—CALIFORNIA

ROAD	CARS REPORTED	CARS HELD OVERTIME	
		NUMBER	PER CENT
A. T. & S. F.	77	28	36.36
Salt Lake	46165	5050	10.94
Southern Pacific	14838	2318	15.96
Western Pacific	1442	158	10.96
Tonopah & Tidewater	18	4	22.22
Total	62540	7558	12.09
Total All Roads	321650	41387	12.87

Table 5 is another interesting exhibit shown by Mr. Mote in one of his reports. One paragraph in connection with this comparison will explain the situation:

Had the six-dollar rate been applied on all cars in both periods, the number held overtime would have been 42,895 instead of 111,141; the charges, $455,974 instead of $611,-562; and the car days, 93,088 instead of 275,206, a saving in cars of 68,246, in charges of $155,588, and in car days of 182,118. The saving for a month would have been 3,102 in cars, $7,527 in charges, and 8,278 in car days.

In connection with the State Reciprocal Demurrage Regulations, the Railroad Commission of the state of California held two hearings. In connection with these hearings, Mr. Mote made investigation as to the causes

of car detention and found, among other things, that wholesale abuses developed in connection with the handling of equipment on account of stops in transit, diversions, and reconsignment privileges. Mr. Mote speaks as follows in connection with this matter:

> Acknowledging the benefits and the necessity of the allowance of these privileges within moderation, the facts are that as to practically all classes of transcontinental freight, as well as grain and perishable of local character, there is absolutely no limit to the number of stops in transit, diversion or reconsignment privileges that the shipper or consignee may demand entirely free of cost to themselves, not only for the extra time and work and lost motion to trains involved in setting out and picking up cars, but the clerical work and use of railroad wires necessary to their stoppage and later forwarding. If the party ordering the stop, diversion or reconsignment is located elsewhere than at the point of stoppage, he demands advice of arrival at such point and also that he shall have, free of demurrage, 24 hours time computed from the first 7 a. m. after receipt of such advice, and demurrage rules generally allow this.

In connection with this statement, Tables 6 and 7 may well be given careful study.

TABLE 6

STATEMENT SHOWING ABUSE OF FREE DIVERSION PRIVILEGES AND WHAT THE COST WOULD BE HAD MESSAGES BEEN SENT BY WESTERN UNION INSTEAD OF RAILROAD WIRES

Road or Car Line	No. of Cars Diverted	No. of Times Diverted	No. of Diversion Messages Sent	Cost at Western Union Rates	Average Cost per Car at W. U. Rates	Average No. of Messages per Car	Average No. of Diversions per Car
P. F. E.	17	43	161	$213.71	$12.57	9.47	2.53
Southern Pac.	24	68	230	199.58	8.32	9.58	2.83
A. T. & S. F.[1]	100	245	170	152.36	1.52	1.70	2.45
Salt Lake	31	65	220	174.18	5.62	7.10	2.10
Western Pac.	21	30	181	218.16	10.39	8.62	1.43
Total	193	451	962	$957.97	$ 4.96	5.00	2.34

[1] Average is low because one message diverts more than one car.

Table 7 is a recapitulation of diversions by the four roads and one car line mentioned, during the year 1913. These cover diversion orders filed with offices in

California alone, as we are unable at this time to secure information of the same character filed with offices in other states.

TABLE 7

DIVERSIONS AND RECONSIGNMENTS—1913

Road or Car Line	No. of Cars Diverted	Free Diversions	Paid Diversions at $2.00	Remarks
Southern Pac..	20640	19488	1152	
P. F. E.....	20475	20475	None	2059 cars diverted 2 to 5 times
Santa Fe.....	18140	17624	516	26714 wires sent
Salt Lake.....	3457	3003	454	
Western Pac...	1966	1366	600[1]	
Total.....	64678	61956	2722	

[1] Estimated on basis of cars diverted in November, 1913, as follows:

Coal	39
Lumber	6
Bones	2
Canned goods	4
Total	51

A comparison of the results in Arizona under a three-dollar rate with those under a one-dollar rate are explained by Mr. Mote as follows:

Comparisons of results at a $3.00 rate in Arizona for the 6 months, ending with July of the present year, with a corresponding period of 1913, when a $1.00 rate applied on Interstate traffic and the same rate on State traffic for three months, or half of the period, show an increase in cars reported of 20,882, or 26 per cent; a decrease in cars held overtime of 2,698, or 57 per cent; a decrease in demurrage charges of $4,418.00, or about 25 per cent.

The percentage of State cars held overtime fell from 03.17 to 00.92; on Interstate cars from 09.80 to 04.04, and on all traffic from 05.87 to 01.99.

These results are only typical of our experience under different rates in California and emphasize the historical fact that the higher rates have not only brought about the prompt release of cars, but have at the same time greatly reduced the payment of demurrage by shippers.

Had the $1.00 rate in Arizona been retained with the same result, the number of cars held overtime during the six months in 1914 would have been 5,941 instead of 2,016 and the demur-

rage would have been $22,265.00 instead of $13,345.00, or 22 cents per car reported instead of 13 cents, a saving of 9 cents per car.

As a final excerpt from the results reported by Mr. Mote, we quote as follows:

Observing from reports coming to this office from San Francisco and Los Angeles Agencies that carload freight handled by the principal draying concerns was rarely held in excess of the free time, we made inquiries of some fifteen of these concerns as to the number of cars handled by each and the amount of demurrage accruing for the year extending from November 1st, 1913, to October 31st, 1914. As a result we find that on 14,332 cars but $48.00 demurrage accrued.

As our demurrage rate is $3.00, and assuming that each charge at that sum represents a different car and a single day's delay in excess of the free time allowance, we find that, approximately, but one car in nine hundred, or the equivalent of about eleven one-hundredths of one per cent, were held overtime and that the entire overtime was sixteen days, no allowances being asked for, or made on account of inclement weather, although the rainfall was twice as much as in normal years.

Considering that practically all these cars were handled on the public delivery tracks of the carriers and that the freight was hauled to or from the cars, the showing is most remarkable in proving that with active and systematic conduct of work by concerns properly equipped there is no real necessity in holding a single car long enough to incur demurrage.

On a total of 8,903 cars handled by Ten of these Fifteen drayage companies not a single dollar of demurrage accrued, and the cause of demurrage on the Sixteen cars held overtime is explained in the language of one of these concerns:

"The only demurrage we have paid during this period has been on such cars upon which it accrued before they were turned over to us for handling. We always make it a special point of unloading cars within the free time allowed, even where it is necessary at times to exercise special energy to do so, FOR THE REASON THAT THE $3.00 PER DAY DEMURRAGE CHARGE IS A CONSIDERABLE TAX AND A DEFINITE INCENTIVE."

TEST QUESTIONS

These questions are for the student to use in testing his knowledge of the assignment. The answers are not to be sent to the University.

1. What is meant by the term "demurrage"?

2. What is the object of demurrage charges?

3. What section of the Act gives the Interstate Commerce Commission authority relative to demurrage charges?

4. What is meant by the term "constructive placement"?

5. What is meant by the average agreement? Do you think that the average agreement tends to increase car efficiency?

6. What is track storage? Why is it applied?

7. What are some of the provisions incorporated in demurrage regulations on intrastate shipments?

8. What is meant by reciprocal demurrage?

9. How does per diem differ from demurrage?

10. What does the United States Department of Agriculture have to say as to the inadequacy of the present demurrage charges?

11. What is meant by the expression "bunching of cars"?

12. What is the substance of the average agreement under the Uniform Code?

13. Why is the use of cars for storage purposes not beneficial to the general public?

APPENDIX A

NATIONAL CAR DEMURRAGE RULES[1]

RULE 1.—CARS SUBJECT TO RULES

NOTE.—The disposition at point of detention determines the purpose for which a car is held and the rule applicable thereto, except where there is specific tariff provision to the contrary.

SECTION A.—Cars of either railroad or private ownership, held for or by consignors or consignees for loading, unloading, forwarding directions, or for any other purpose (including cars held for loading company material unless the loading is done by the railroad for which the material is intended and on its tracks) are subject to these demurrage rules, except as provided in Section B.

SECTION B.—The following cars are not subject to these demurrage rules:

1. Cars under load with company material for use of and consigned to the railroad in whose possession the cars are held.

2. Cars under load with live stock. This exemption does not include cars held for or by shippers, for loading live stock. Live poultry will not be considered as live stock.

3. Empty cars placed for loading coal at coal mines, coal mine sidings, or coal washers, or coke at coke ovens, and such cars under load with coal, at such mines, mine sidings, or coal washers, or with coke at coke ovens. This exemption applies only at mines, coal washers, and ovens, which are subject to car distribution rules in lieu of demurrage rules.

4. (a) Private cars on private tracks when the ownership of the car and track is the same.

NOTE.—Private cars while held under constructive placement for delivery upon the tracks of their owners, are subject to demurrage charges after expiration of forty-eight hours' free time. (See Rules 5 and 9.)

DEFINITIONS

Private Car.—A car having other than railroad ownership. A lease of a car is equivalent to ownership. Private cars must have the full name of the owner or lessee painted or stenciled thereon, or must be boarded with full name of owner or lessee. If name of lessee is painted, stenciled, or boarded on car, then the car is exempt from demurrage for the owner only.

[1]These rules are subject to change and are reproduced for illustrative purposes.

Private Track.—A track outside of carrier's right of way, yard, and terminals, and of which the carrier does not own either the rails, ties, roadbed, or right of way; or a track or a portion of a track which is devoted to the purpose of its user either by lease or written agreement.

(b) Empty private cars stored on railroad or private tracks, including such cars sent by the owner to a shipper for loading, provided the cars have not been placed or tendered for loading on the orders of a shipper. (See Rule 6, Section D.)

Rule 2.—Free Time Allowed

Section A. Forty-eight hours' (two days') free time will be allowed for loading or unloading all commodities. (See Rule 2, Section B, Paragraph 4.)

"Loading" includes the furnishing of forwarding directions on outbound cars.

"Unloading" includes:

(a) Surrender of bill of lading on shipments billed "to order."

(b) Payment of lawful freight charges when required prior to delivery of the cars.

(c) Furnishing of a "turnover" order (an order for delivery to another party) after the car has been placed for delivery and no additional movement of the car is made.

When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other. This will also apply to industries performing their own switching service, in which case the industry must notify the carrier of the date and time the car was unloaded.

When a car held for loading or unloading is moved by railroad or private power to another point in the same yard or industry, to complete loading or unloading, only forty-eight hours' free time will be allowed, except that when the railroad makes a charge for such movement the time incident thereto shall not be computed against the car.

(See Rule 7, Note 2.)

Note.—If a consignee wishes his car held at any break-up yard or a hold yard before notification and placement, such car will be subject to demurrage. That is to say, the time held in the break-up yard will be included within the 48 hours of free time. If he wishes to exempt his car from the imposition of demurrage, he must, either by general orders given to the carrier or by specific orders as to incoming freight, notify the carrier of the track upon which he wishes his freight placed, in which event he will have the full 48 hours' free time from the time when the placement is made upon the track designated. This note will apply except when in conflict with Rule 2, Section B, paragraph 1.

SECTION B.—Twenty-four hours' (one day) free time will be allowed:

1. When cars are held for reconsignment, diversion, or reshipment, or held in transit on order of consignor, consignee, or owner.

NOTE.—This will not apply to cars subject to Rule 2, Section B, paragraph 3.

The term "diversion" or the term "reconsignment" will be applied as defined in the reconsignment tariffs of this railroad, except that under this rule when a car is placed for delivery at destination, a "turnover" (or order for delivery to another party) which does not involve an additional movement of the car is not a "reconsignment." (See Rule 2, Section A.)

A "reshipment" is the making of a new contract by which under a new rate the original lading, without being unloaded, is forwarded in the same car to another destination.

2. When cars destined for delivery to, or for forwarding by, a connecting line, are held under tariff regulations for surrender of bill of lading or payment of lawful freight charges.

3. When cars are held in transit and placed for inspection or grading, including reconsignment or other disposition orders. At stations where grain and hay must be inspected or graded, the consignee agreeing with the carrier in writing for file at the station, to accept the bulletining of the cars as due and adequate notice of arrival, the bulletins must be posted by 9 00 A.M. of each day, showing the previous twenty-four (24) hours' receipts, and the free time (twenty-four hours) is to be calculated from the first 7 00 A.M. thereafter. Where there is no agreement for bulletining of cars, the free time must be calculated from the first 7 00 A.M. after the day on which notice of arrival is sent or given to the consignee.

EXCEPTION.—At Chicago, Ill., and Kansas City, Kan-Mo.: On all grain held in transit, subject to federal or state inspection, and on seeds (field or grass), grain screenings, or seed screenings, held in transit, subject to recognized official inspection, free time for disposition will expire at 6 00 P.M. of the day that inspection is reported by the inspection authorities on or before 11 00 A.M. No additional free time will be allowed for reinspection or appeal. The bulletin form of notice may be used in lieu of written notice of arrival to the consignee.

EXCEPTION.—At St. Paul, Minneapolis, Minnesota Transfer, Camden Place, Duluth, West Duluth, Minn., Superior, Superior East End, Central Avenue (Superior), Allouez, or Itasca, Wis.: On all grain subject to federal or state grain inspection, received on or before 8 30 A.M. and upon which notice of arrival is given

by 9 00 A.M., disposition shall be given not later than 4 00 P.M., the same day, provided inspection is reported to the office of the federal or state grain inspector before 11 00 A.M. When a reinspection is called before disposition is given, one day additional free time will be allowed, provided the local freight agent is notified of the call on the day of inspection and a change in grade is allowed by the federal or state inspector. If no change in grade is allowed, demurrage will be assessed, provided disposition is not furnished before 5 00 P.M. of the day the car is first inspected. On all cars loaded with grain and inspected (if for inspection) prior to 6 00 P.M., disposition must be given not later than 4 00 P.M. the following day, excepting that where reinspection or appeal is called, and the grade is changed by federal or state inspector or Appeal Board, one additional day of free time shall be allowed.

4. Except as otherwise provided in Rule 2, Section A, when cars are held to complete loading, or to partly unload.

NOTE.—When a car held for unloading is partly unloaded and partly reloaded, 48 hours' free time will be allowed for the entire transaction.

5. On cars containing freight in bond for customs entry and government inspection.

SECTION C.—Cars containing freight for transshipment to vessel will be allowed such free time at the port as may be provided in the tariffs of the individual carriers lawfully on file with the Interstate Commerce Commission.

RULE 3.—COMPUTING TIME

NOTE.—In computing time, Sundays and legal holidays (national, state, and municipal) but not half holidays, will be excluded, except as otherwise provided in Section A of Rule 9. When a legal holiday falls on Sunday, the following Monday will be excluded.

SECTION A.—On cars held for loading, time will be computed from the first 7 00 A.M. after placement on public-delivery tracks, and without notice of placement; but if not placed within 24 hours after 7 00 A.M. of the day for which ordered, time will be computed from 7 00 P.M. after the day on which notice of placement is sent or given to consignor. (See Rule 6—Cars for Loading.)

SECTION B.—1. On cars held for orders, surrender of bill of lading, or payment of freight charges, whether such cars have been placed in position to unload or not, time will be computed from the first 7 00 A.M. after the day on which notice of arrival is sent, or given to the consignee or party entitled to receive same. (See Rule 4—Notification.)

NOTE.—The time between receipt of order and placement of car (not to include the time attributable to the act or neglect of consignor or consignee) will be deducted from the total detention to the car.

2. Orders for disposition or reconsignment, when mailed, wired, or otherwise transmitted by the reconsignor to agent of the carrier at point where cars are held, or to the agent of any carrier named in the bill of lading contract or participating in the transportation transaction, unless otherwise provided by tariff, will release cars at 7 00 A.M. of the date computed from the first 7 00 A.M. after the day on which notice of arrival is sent or given to the consignee or party entitled to receive same. (See Rule 4—Notification.)

Such orders mailed, wired, or otherwise transmitted, and received the same date, will release cars at the hour the orders are received by any such agent.

Date of mailing to be determined by the postmark.

NOTE.—When order releasing a car is sent to this railroad by U. S. mail, and the order is not received by the addressee, the car shall be considered released as of the date the order should have been delivered, provided proof is furnished by the claimant that the order was deposited in the U. S. mail properly stamped and addressed on the date claimed.

SECTION C.—1. On cars held for unloading, except as otherwise provided in Section B, paragraph 1, of this rule, time will be computed from the first 7 00 A.M. after placement on public delivery tracks, and after the day on which notice of arrival is sent or given to consignee or party entitled to receive same. If car is not placed within 24 hours after notice of arrival has been sent or given, time will be computed from the first 7 00 A.M. after the day on which notice of placement has been sent or given to the consignee or party entitled to receive same. (See Rule 4, Sections A and D.)

2. On cars subject to Rule 5, Section B, paragraph 2, time will be computed from the first 7 00 A.M. after the day on which notice as required by Rule 5, Section B, paragraph 1, is sent or given to the consignee or party entitled to receive same.

SECTION D.—On cars to be delivered on other-than-public-delivery tracks, time will be computed from the first 7 00 A.M. after actual or constructive placement on such tracks. Time computed from actual placement on cars placed at exactly 7 00 A.M. will begin at the same 7 00 A.M.; actual placement to be determined by the precise time the engine cuts loose. (See Rule 4, Section C, and Rules 5 and 6.)

NOTE 1.—"Actual Placement" is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee. If such placing is prevented from any cause attributable to consignor or consignee, and car is placed on the private or other-than-public-delivery track serving the consignor or consignee, it shall be considered constructively placed, without notice.

NOTE 2.—Any railroad track or portion thereof assigned for individual use will be treated as "other-than-public-delivery track."

SECTION E.—On cars to be delivered on interchange tracks of industrial plants performing the switching service for themselves or other parties, time will be computed from the first 7 00 A.M. after actual or constructive placement on such interchange tracks, until return to the same or another interchange track. Time computed from the actual placement on cars placed at exactly 7 00 A.M. will begin at the same 7 00 A.M.; actual placement to be determined by the precise time the engine cuts loose. (See Rule 4, Section C, and Rules 5 and 6.) Cars returned loaded will not be recorded released until necessary billing instructions are furnished.

NOTE.—Where two or more parties take delivery from the same interchange track, or where the railroad company uses the interchange track for other cars, or where the interchange track is not adjacent to the plant and the industry and uses the railroad's tracks to reach same, a notice of placement shall be sent or given to the consignee, and time will be computed from the first 7 00 A. M. thereafter.

RULE 4.—NOTIFICATION

SECTION A.—Notice of arrival shall be sent or given consignee or party entitled to receive same, by this railroad's agent in writing, or, in lieu thereof, as otherwise agreed to in writing by this railroad and consignee, within twenty-four hours after arrival of car and billing at destination, such notice to contain car initials and number, point of shipment, contents, and if transferred in transit, the initials and number of original car. When address of consignee does not appear on billing, and is not known, the notice of arrival must be deposited in the United States mail, inclosed in a stamped envelope bearing return address, same to be preserved on file if returned. An impression copy shall be retained; and when notice is sent or given on a postal card, the impression shall be of both sides. (See Rule 3, Sections B and C.) In case a car subject to Rule 3, Section C, is not placed on public-delivery track within twenty-four hours after notice of arrival has been sent or given, notice of placement shall be sent or given to consignee.

NOTE.—When owner requests that original point of shipment be omitted on reconsigned cars, this information shall not be shown on notice of arrival at destination.

SECTION B.—When cars are ordered stopped in transit, notice shall be sent or given the party ordering the cars stopped, upon arrival of cars at point of stoppage.

SECTION C.—Delivery of cars upon other-than-public-delivery tracks or upon industrial-interchange tracks, or written notice sent or given to consignee or party entitled to receive same, of readiness to so deliver, will constitute notification to consignee. (See Rule 8, Section D, paragraph 1 (b).)

SECTION D.—In all cases where any part of the contents of a car has been removed by the consignee prior to the sending or giving of required notice, such removal shall be considered as notice of arrival.

SECTION E.—1. When carload freight is refused at destination, notice of such refusal shall, within 24 hours thereafter, be sent by wire to consignor, when known, at his expense, or when not known, to agent at point of shipment, who shall be required promptly to notify the shipper if known.

2. (a) When unclaimed perishable carload freight has not been disposed of within two days from the first 7 00 A.M. after the day on which notice of arrival has been sent or given to consignee, notice to that effect shall be sent by wire as provided in paragraph 1 of this section.

(b) When other carload freight is unclaimed within five days from the first 7 00 A.M. after the day on which notice of arrival has been sent or given to the consignee, a notice to that effect shall be sent by wire, as provided in paragraph 1 of this section.

(See Rule 8, Section D, paragraph 4.)

RULE 5.—PLACING CARS FOR UNLOADING

NOTE.—Under this rule the time of movement between hold point and destination, and any other time for which the railroad is responsible, will not be computed against the consignee.

SECTION A.—1. When delivery of a car consigned or ordered to an industrial-interchange track or to other-than-public-delivery track cannot be made on account of the inability of the consignee to receive it, or because of any other condition attributable to the consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at the nearest available hold point, and written notice that the car is held and that this railroad is unable to deliver will be sent or given to the consignee. This will be considered constructive placement. (See Rule 3, Sections D and E.)

2. On a car to be delivered to a switching line for final delivery and which consignee located on switching line is unable to receive and which for that reason the switching line is unable to receive from this railroad, notice will be sent or given the switching line showing point of shipment, car initials and numbers, contents and consignee, and if transferred in transit the initials and number of the original car.

3. When this railroad is the switching line and, under conditions set forth in paragraph 1, is unable to receive cars from a connecting line at destination for delivery within switching limits, upon receipt of notice from connecting line it will notify the con-

signee and put such cars under constructive placement. (See Rule 4, Section C.)

SECTION B.—1. When delivery cannot be made on specially designated public-delivery tracks, on account of such tracks, being fully occupied, or from other causes beyond the control of this railroad, notice shall be sent or given the consignee in writing, or, in lieu thereof, as otherwise agreed to in writing, that delivery will be made at the nearest available point to the consignee, naming the point. Such delivery shall be made unless the consignee shall before delivery indicate a preferred available point, in which case the preferred delivery will be made.

2. In the event consignee or party entitled to receive shipment serves notice upon this railroad of refusal to accept delivery at the point named in notice sent or given in accordance with paragraph 1, the car will be held awaiting opportunity to deliver on the specially designated track subject to Rule 3, Section C, paragraph 2.

RULE 6.—CARS FOR LOADING

SECTION A.—Cars for loading will be considered placed when such cars are actually placed or held on orders of the consignor. In the latter case, the agent must send or give the consignor written notice of all cars which he has been unable to place because of condition of the other-than-public-delivery track or because of other conditions attributable to the consignor. This will be considered constructive placement. (See Rule 3, Sections D and E.)

SECTION B. When empty cars placed on orders are not used in transportation service, demurrage will be charged from the first 7 00 A.M. after actual or constructive placement until released, with no free time allowance.

SECTION C.—1. Cars received from a switching line and held by this railroad for forwarding directions, are subject to demurrage charges from the first 7 00 A.M. after they are received, until proper forwarding directions are furnished, with no free time allowance and without notice, except that cars received between 4 00 P.M. and 7 00 A.M. will not be subject to demurrage if forwarding directions are received prior to the following 12 noon.

2. Private cars which have been loaded on the tracks of their owners, received from such tracks and held by this railroad for forwarding directions, are subject to demurrage charges from the first 7 00 A.M. after they are received until proper forwarding directions are furnished, with no free time allowance and without notice.

SECTION D.—If an empty car is appropriated without being ordered, it shall be considered as having been ordered and actually placed at the time it was so appropriated. If not loaded outbound, such car is subject to Section B of this rule.

Rule 7.—Demurrage Charges

Section A.—On cars not subject to Rule 9 (Average Agreement): After the expiration of free time allowed, the following charges per car per day, or fraction of a day, will be made until car is released:

For each of the first four days, $2.

For each succeeding day, $5.

Section B.—The charges on cars subject to average agreement are set forth in Rule 9.

Note 1.—When through no fault of the consignor or consignee, the lading of a car is transferred by a carrier into two or more cars, or when two small cars are furnished by a carrier in lieu of one large car ordered by the shipper, demurrage will be charged as for one car only, as long as any such cars are detained beyond the free time.

Note 2.—When a car contains two or more minimum carload shipments consigned to more than one consignee at the same station, demurrage will be charged the same as if the shipments had been received in separate cars, and each consignee will be allowed a total free time of 48 hours (2 days) for unloading free of interference by the other consignee or consignees.

(See Item 2, page 10 hereof, for additional detention charges.)

Rule 8.—Claims

No demurrage charges shall be collected under these rules for detention of cars through causes named below. Demurrage charges assessed or collected under such conditions shall be promptly canceled or refunded by this railroad.

Causes

Section A.—Weather interference.

Note.—A consignor or consignee shall not be absolved from demurrage under Section A of this rule if, considering the character of the freight, others similarly situated and under the same conditions reasonably could and did load or unload cars during the same period of time.

1. When the condition of the weather during any part of the prescribed free time (or the adjusted free time provided for in Section B of this rule) is such as to make it impossible for men or teams to work at loading or unloading, or impossible to place freight in cars, or move it from cars, without serious injury to the freight, or when, because of high water or snowdrifts (see Note) it is impossible, during the prescribed free time, to get to the cars for loading or unloading, the free time will be extended until a total of 48 hours (or 24 hours on cars subject to Rule 2, Section B, paragraph 4) free from such interference shall have been allowed. No additional time will be allowed unless claim, stating fully the

conditions which prevented loading or unloading within the free time, is presented in writing to this railroad's agent within 30 days after the date on which demurrage bill is rendered.

NOTE.—The extension of free time on account of high water or snow-drifts shall apply to other-than-public-delivery tracks only where there is disability of this railroad.

2. When the lading is frozen while in transit, so as to require more than 48 hours to remove it from the car, the total time actually expended by consignee in heating, thawing, or loosening and removing it, will be considered as free time, but no allowance will be made for detention during the time that no effort is made to unload. This rule will not apply to shipments which are tendered in a condition to unload. Under this rule, consignee shall not be entitled to additional time unless, within the prescribed free time, he shall serve upon the railroad's agent a written statement that the lading was frozen when tendered.

3. No allowance on account of weather interference shall be made on cars subject to Rule 6, Section B.

SECTION B.—Bunching.

1. Cars for loading.—When, by reason of delay or irregularity in filling orders, cars are bunched and placed for loading in accumulated numbers in excess of daily placing as ordered, the shipper shall be allowed such free time for loading as he would have been entitled to had the cars been placed for loading as ordered.

2. Cars for unloading or reconsigning.—When, as the result of the act or neglect of any carrier, cars originating at the same point or at intermediate points, moving via the same route and destined for one consignee, at one point, or bunched at originating point, in transit, or at destination, and delivered by this railroad in accumulated numbers in excess of daily shipments, the consignee shall be allowed such free time as he would have been entitled to had the cars not been bunched; but when any car is released before the expiration of such free time, the free time on the next car will be computed from the first 7 00 A.M. following such release; provided, however, no allowance will be made unless claim is presented in writing to this railroad's agent within 30 days after the date on which demurrage bill is rendered and supported by statement showing date and point of shipment of each car.

SECTION C.—Demand of overcharge. When this railroad's agent demands the payment of transportation charges in excess of tariff authority.

SECTION D.—Delayed or improper notice by this railroad.

1. (a) When notice of arrival does not contain all the information specified in Rule 4, Section A, consignee shall not have

the right to call in question the sufficiency of such notice, unless within the prescribed free time he shall serve upon this railroad's agent a written statement of the omitted information required, in which event the time between receipt of such statement and the furnishing of the omitted information will not be computed against the consignee.

(b) When the consignee makes request in writing for the name of the consignor, point of shipment and (or), if transferred in transit, the initials and number of the original car, to enable him to identify the shipment in a car placed or tendered for delivery on other-than-public-delivery track, such information will be furnished, but consignee shall not be entitled to additional free time unless such request has been served on this railroad's agent within the prescribed free time, in which event the time between receipt of the request and compliance therewith will not be computed against the consignee. (See Rule 4, Section A, Note.)

2. When claim is made that a mailed notice has been delayed, postmark thereon shall be accepted as indicating the date of the notice.

3. When a notice is mailed by this railroad on Sunday, a legal holiday, or after 3 00 P.M. on other days (as evidenced by the postmark thereon) consignee shall be allowed five hours' additional free time provided he shall send or give to this railroad's agent, within the first twenty-four hours of free time, written advice that the notice had not been received until after the free time had begun to run; in case of failure on the part of consignee so to advise this railroad's agent, no additional free time shall be allowed.

4. In case of failure by this railroad to send notice in accordance with the provisions of Rule 4, Section E, the consignor shall not be held liable for demurrage charges between the date the notice should have been sent and the date it was actually sent.

SECTION E.—Error of any railroad which prevents proper tender or delivery.

1. Under this rule demurrage will be charged on the basis of the amount that would have accrued but for such error. This also applies in the case of constructive placed cars being "run-around" by actually placing recent arrivals ahead of previous arrivals, but allowance will only be made on cars subject to Rule 9, Average Agreement, that are held beyond the fourth debit day.

SECTION F.—Delay by United States Customs. Such additional free time shall be allowed as has been lost through such delay.

RULE 9.—AVERAGE AGREEMENT

When the following agreement has been entered into, the charge for detention of cars, on all cars subject to demurrage, held for loading or unloading, shall be computed on the basis of the aver-

age time of detention to all such cars released during each calendar month; such average detention and and charge to be computed as follows:

SECTION A.—One credit will be allowed for each car released within the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours' free time, one debit per car per day, or fraction of a day, will be charged for each of the first four days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued four debits, a charge of $5 per car per day, or fraction of a day, will be made for all subsequent detention and will apply on all subsequent Sundays and legal holidays, including a Sunday or holiday immediately following the day on which the fourth debit begins to run.

SECTION B.—Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

SECTION C.—Credits cannot be earned by private cars subject to Rule 1, Section B, paragraph 4 (a), but debits charged on such private cars while under constructive placement may be offset by credits earned on other cars.

SECTION D.—At the end of the calendar month, the total number of credits will be deducted from the total number of debits, and $2 per debit will be charged for the remainder. If the credits equal or exceed the debits, no charge will be made for the detention of the cars, and no payment will be made by this railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

SECTION E.—A party who enters into this average agreement shall not be entitled to include therein cars subject to Rule 2, Section B, nor shall he be entitled to cancellation or refund of demurrage charges under Section A, paragraph 1, or Section B of Rule 8.

SECTION F.—A party who enters into this average agreement may be required to give sufficient security to this railroad for the payment of balances against him at the end of each month.

SECTION G.—An average agreement must include all cars loaded or unloaded within the jurisdiction of the same station, except that when desired, separate agreements may be entered into for each plant or yard within the jurisdiction of the same station; but in no case can the cars loaded or unloaded within the jurisdiction of two or more stations be combined in one average agreement, nor shall the cars loaded or unloaded by more than

or consignee be combined in one average agree-
that cars consigned, reconsigned, or ordered to a
r, warehouse, or cotton compress serving various
e combined in one average agreement.

AGREEMENT

.....*Railroad:*

Being fully acquainted with the terms, conditions, and effect of the average basis for settling for detention to cars as set forth in ....., being the car demurrage rules governing at all stations and sidings on the lines of said railroad, except as shown in said tariff, and being desirous of availing (myself or ourselves) of this alternate method of settlement (I or we) do expressly agree to and with the .....Railroad that with respect to account at.....(Station) (I or we) will fully observe and comply with all the terms and conditions of said rules as they are now published or may hereafter be lawfully modified by duly published tariffs, and will make prompt payment of all demurrage charges accruing thereunder in accordance with the average basis as therein established or as hereafter lawfully modified by duly published tariffs.

This agreement to be effective on and after the..... day of....., 19...., and to continue until termination by written notice from either party to the other, which notice shall become effective on the first day of the month succeeding that in which it is given.

Approved and accepted....., 19...., by and on behalf of the Director General of Railroads by.....

.....

Finis

NOTE.—Acceptance by and on behalf of the Director General of Railroads is only required by roads under federal control.

APPENDIX B

Demurrage Bureaus and State Rules

Table I contains a list of all the demurrage bureaus, together with the headquarters and a general description of the territory embraced in the jurisdiction of each one. This information is taken from the Official Railway Equipment Register. Some of the bureaus are confined to a particular State, as for example, North Carolina and Tennessee. However, no one bureau necessarily includes all the roads in any one State nor is any one State necessarily confined to one particular bureau. Tennessee has three bureaus within its borders, while Illinois has two. On the other hand a single road may be divided among several bureaus, the Santa Fe System, for example, having portions of its line under three different bureaus. The Central Demurrage Bureau is confined practically to the St. Louis district and portions of three lines in Illinois. Some are shown as operating in a certain State when in reality they may include only a few stations on some particular road in that State. The East Tennessee, as an example, has in Kentucky only the stations of Middlesboro and Jellico.

Table II contains a list of all the States and shows which ones have railroad commissions. It shows also in which ones demurrage is regulated by statute and in which ones it is regulated by orders of the commission. As to "reciprocal demurrage" the three most important features are shown, namely: Time allowed carriers in which to furnish cars, the basis for extension of time where there is a sliding scale, and the penalty imposed for failure to furnish cars within the time allowed. Inasmuch as "reciprocal demurrage" applies on intrastate traffic only, all reciprocal features shown are necessarily variations from the uniform code.

When no entries are shown in the various columns it is to be understood that the uniform code applies, or that the corre-

sponding provisions of State codes are the same as those of the Uniform Code.

TABLE 1.—List of demurrage bureaus, their headquarters and jurisdiction.

Demurrage Bureau	Headquarters	No. of Roads	Territory Embraced in States of
Alabama	Birmingham	18	Alabama, Florida, Louisiana, and Mississippi.
Central	St. Louis	10	Illinois and Missouri.
East Tennessee	Chattanooga	12	Georgia, Kentucky, and Tennessee.
Intermountain	Salt Lake City	23	Idaho, Nevada, Utah, and Wyoming.
Louisville	Louisville	10	Indiana and Kentucky.
New England	Boston	13	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
North Carolina	Raleigh	21	North Carolina.
Pacific	San Francisco	42	Arizona, California, New Mexico, and Oregon.
Southeastern	Atlanta	44	Florida, Georgia, and South Carolina.
Tennessee	Nashville	7	Tennessee.
Virginia and W. Va	Richmond	22	Kentucky, Maryland, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.
Western	Chicago	79	Arkansas, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming.

TABLE II.—*List of States, showing how demurrage is regulated in each, provisions as to reciprocal demurrage, and variations from the uniform code on intrastate traffic.*

[Uniform code: Free time, 48 hours; demurrage rate, $2.]

State.	Regulated by—	Note.	Demurrage rate.	Free time.	Additional time	Reciprocal demurrage.		
						Time allowed for furnishing cars.	Varying with—	Penalty.
Alabama	Statute				72 hours allowed to unload brick, coal, coke, fertilizer, hay, lumber in closed cars, and the following commodities in bulk: Cotton seed, cottonseed hulls, cottonseed meal, grain, grain products, meat, and potatoes. 4 to 6 days allowed consignees 8 miles or more from depot. 24 hours additional time allowed when notice of arrival is given by mail.	2 to 10 days	(1)	$1.00
Arizona	Commission		$3.00			48 hours and up	(1)	3.00
Arkansas	Statute				72 hours allowed to unload brick, coal, coke, fertilizer, hay, lumber in closed cars, and the following commodities in bulk: Cotton seed, cottonseed hulls, grain, grain products, meat, potatoes, and sand. Maximum of 5 days allowed shippers 5 miles or more from depot. 48 hours additional time allowed when notice of arrival is given by mail.	6 days		5.00
California	Commission		3.00			48 hours and up	(1)	3.00
Colorado	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	5 days		1.00
Connecticut	do	(2, 3)						
Delaware		(2, 4)						
Florida	Commission			72 hrs.	96 hours allowed to unload brick, coal, dressed lumber in box cars, seed cotton, and the following commodities in bulk: Cabbage, cotton seed, cottonseed hulls, fertilizer material, and potatoes. 24 hours additional time allowed when notice of arrival is given by mail.	4 days 2 days only for fruit and vegetables.		2.00
Georgia	do				60 hours allowed to unload coal. 24 hours additional time allowed when notice of arrival is given by mail.	4 days		1.00
Idaho		(2, 5)						
Illinois	Commission	(5)						
Indiana	do	(7)						
Iowa	do	(7)						
Kansas	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	3 to 10 days	(1)	5.00

[1] Number of cars ordered.
[2] Roads apply uniform code on State traffic.
[3] Statute provides 4 days' free time.
[4] State has no railroad commission, nor does any statute cover.
[5] No demurrage rules prescribed, either by statute or orders of the commission.
[6] Commission has not yet exercised its authority to prescribe regulations.
[7] Commission has adopted the uniform code.

TABLE II.—*List of States, showing how demurrage is regulated in each, provisions as to reciprocal demurrage, and variations from the uniform rule on intrastate traffic*—Continued.

State.	Regulated by—	Note.	Demurrage rate.	Free time.	Additional time.	Reciprocal demurrage.		
						Time allowed for furnishing cars.	Varying with—	Penalty.
Kentucky	Commission	(1)						
Louisiana	do	(1)						
Maine	do	(3)						
Maryland	do	(1)						
Massachusetts	do	(3)						
Michigan	do				3 days allowed to unload charcoal, coal, coke, logs when teamed from cars, lumber, and tanbark; 4 days to unload coal for coke ovens, sash, doors, blinds, inside finishing material, box material, and mixed cars of dressed lumber or furniture loaded by various consignors; 5 days to unload lumber originating at lake ports and to load, weigh, and bill coal at mines; 15 days to unload coal for fueling transient vessels.			
Minnesota	Statute				72 hours allowed to unload bituminous coal, bulk lime, fruit, lumber, and vegetables. 24 hours additional time allowed when notice of arrival is given by mail.	72 hours 48 hours only at terminal points.		$1.00
Mississippi	Commission				5 days allowed consignees more than 3 miles and less than 10 miles from station and 7 days for distances more than 10 miles.	5 days		1.00
Missouri	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	4 days		1.08
Montana	Commission		(2)		72 hours allowed to unload coal, coke, concentrates, lagging, lime, lime rock, lumber, ore, silica rock, and stulls.			
Nebraska	Statute			36 hrs.	60 hours allowed to unload cars loaded in excess of 30 tons	Reciprocal features of the statute do not cover the furnishing of cars.		
Nevada	Commission	(1,2)						
New Hampshire	do	(1)						
New Jersey	Statute			3 days				
New Mexico		(1,10)						
New York		(1,10)						
North Carolina	Commission	(1)						
North Dakota	Statute					72 hours		2.00
Ohio	Commission	(1)						
Oklahoma	do				72 hours allowed shippers located more than 5 miles from station 72 hours allowed to unload cars containing more than 66,000 pounds.	48 to 144 hours	(7)	1.00
Oregon	do		$2.00			5 to 20 days	(7)	2.00
Pennsylvania	do	(9)						
Rhode Island	do	(9)						

South Carolina	do				72 hours allowed to unload bran, brick, coal, cotton seed, cottonseed hulls, cottonseed meal, crushed stone, dressed lumber in box cars, fertilizers, fertilizer material, flour, grain, hay, meal, mill feed, pyrites, and the following commodities in bulk: Apples, cabbage, and potatoes. Consignees 4 miles or more from depot allowed "sufficient time" "by the exercise of ordinary diligence". 24 hours additional time allowed when notice of arrival is given by mail.	4 days 3 days only for perishable		1.00
South Dakota	Statute				24 hours additional time allowed when notice of arrival is given by mail.	3 to 6 days	(7)	1.00
Tennessee	Commission	(1)						
Texas	do				72 hours allowed to unload coal and coke 96 hours allowed shippers located more than 5 miles from station 72 hours allowed to unload cars loaded in excess of 20 tons	3 to 8 days	(7)	.80
Utah		(4,6)						
Vermont	Statute			4 days				
Virginia	Commission				72 hours allowed to unload brick, coal, coke, fertilizers, hay, lumber in closed cars, straw, and the following commodities in bulk: Cotton seed, cottonseed hulls, glass bottles, grain, grain products, meat, and potatoes.	4 days		1.00
Washington	do					3 to 10 days For live stock and perishable, cars must be furnished within a reasonable time.	(7,9)	1.00
West Virginia		(4,10)						
Wisconsin	Commission	(1,11)						(11)
Wyoming		(4,6)						

1 Commission has adopted the uniform code.
2 Without prescribing any regulations, commission has accepted roads' application of the uniform code.
3 Charge is $2 per day after the first 5 days after the expiration of free time.
4 Roads apply uniform code on State traffic.
5 Uniform code approved and recommended, but not made compulsory by commission.
6 State has no railroad commission, nor does any statute cover
7 Number of cars ordered.
8 Commission has not yet exercised its authority to prescribe regulations.
9 Place wanted and frequency of train service.
10 No demurrage rules prescribed, either by statute or orders of the commission.
11 Reciprocal features provided by a statute which is practically nonoperative.

APPENDIX C

MISCELLANEOUS DEMURRAGE FORMS

(Approved by The American Railway Association, December 8, 1915.)

Form of Agreement between Railroad Companies and Consignees Covering Other than Written Notice of Arrival of Freight.

NORTH & SOUTH RAILROAD.

.....19.....

Mr.....

Agent, North & South Railroad Co.,

.....Station.

..... hereby agree, until further advice in writing, to accept notice by telephone of the arrival of freight, as the equivalent to written notice on the Company's standard form.

.....

Witness.....

Approved and accepted .....19....., by and on behalf of the above named Rail ..... Company, by.....

Agent, North & South Railroad.

This agreement should be executed in triplicate, one copy to be retained by the consignee, one copy to be retained by the agent and one copy to be forwarded to the officer in charge of Car Service matters.

(Approved by The American Railway Association, May 12, 1919.)

NOTIFICATION OF CONSIGNEE OF CARS ON WHICH DEMURRAGE MAY ACCRUE.

Three methods of notification are provided:

1. SHEET FORM.
2. POSTAL CARD FORM.
3. FREIGHT BILL PROPERLY ENDORSED.

(SHEET FORM OF NOTICE—8 inches wide.)

NORTH & SOUTH R.R.

Freight Station, 1001 North St., Southport, ... *191*....

Carload Freight as follows has arrived consigned to you, subject to Demurrage charges as per tariffs on file.

CAR INITIALS	CAR No.	IF TRANSFERRED		CONTENTS	POINT OF SHIPMENT
		ORIGINAL CAR INITIALS	ORIGINAL CAR No.		

Telephone, South 2002. *(Signed) A. B. NORTHLAND, Agent.*

NOTE.—Extra columns may be added if desired.

(POSTAL CARD NOTICE.)

Telephone, South 2002.

NORTH & SOUTH R.R.

Freight Station, 1001 North St., Southport, ... *191*....

Carload Freight as follows has arrived consigned to you, subject to Demurrage charges as per tariffs on file. *(Signed) A. B. NORTHLAND, Agent.*

CAR INITIALS	CAR No.	CONTENTS	POINT OF SHIPMENT

Loding in ..... *Car No.* ..... *was transferred from* ..... *Car No.* .....

NOTE.—Extra columns may be added if desired.

This notice only provides for the transferring of one carload en route. When more than one carload transferred en route arrives on the same day for the same consignee separate postal card forms should be used, or sheet form or freight bill may be used.

FREIGHT BILL.

When the freight bill is used for notice, it should be endorsed as follows:

"This bill is notice of arrival of this car or cars. They will be subject to demurrage charges as per tariff on file."

(Approved by The American Railway Association, May 10, 1912.)

NORTH AND SOUTH RAILROAD.

_____ Station

_____ 191

DEMURRAGE RULE 6.—PLACING CARS FOR UNLOADING.

SECTION A. When delivery of cars consigned or ordered to any other than public-delivery tracks or to industrial interchange tracks cannot be made on account of the act or neglect of the consignee, or the inability of the consignee to receive, delivery will be considered to have been made when the cars were tendered. The carrier's agent must give the consignee written notice of all cars he has been unable to deliver because of the condition of the private or interchange tracks, or because of other conditions attributable to consignee. This will be considered constructive placement.

DEMURRAGE RULE 6.—CARS FOR LOADING.

SECTION A. Cars for loading will be considered placed when such cars are actually placed or held on orders of the consignee. In the latter case the agent must give the consignee written notice of all cars which he has been unable to place because of conditions of the private track or because of other conditions attributable to the consignee. This will be considered constructive placement.

NOTICE.

M_____

_____

You are hereby notified that the following cars are now on tracks at this station for your unloading or disposition, loading siding but cannot be delivered on account of the fact that your Interchange track is not in such shape that delivery can be made. Said cars are subject to a charge of $1.00 per day or fraction of a day for all time that they are held beyond the free time allowed by the rules of this company.

CAR		ORIGINAL CAR (IF LADING HAS BEEN TRANSFERRED)		CONTENTS	POINT OF SHIPMENT	CONSTRUCTIVELY PLACED		FREE TIME EXPIRES		REMARKS
INITIAL	NUMBER	INITIAL	NUMBER			Date	Hour	Date	Hour	

_____ Agent.

ORIGINAL COPY OF THIS NOTICE RECEIVED

At_____ M _____191____ By_____ {Consignor or Consignee} per_____

(If consignee or consignee refuses to acknowledge receipt of this Notice as provided above, the person delivering same should fill out, date and sign the following certificate on the copy kept on file by the Agent.)

I hereby certify that copy of this Notice was delivered by me to Mr._____ representing the consignor or consignee named hereon at _____ M, on_____191

_____ (Signature of person delivering notice.)

(If this notice cannot be delivered personally by the Agent or his representative, it must be served by mail, and the Agent should fill out, date and sign the following certificate on the copy kept on file by him.)

I hereby certify that copy of this Notice was mailed by me to the shipper or consignee named hereon, at_____ M. on_____191

_____ Agent.

(Approved by The American Railway Association, May 15, 1912.)

NORTH AND SOUTH RAILROAD.

_____ Station

_____ 191

DEMURRAGE RULE 3. PLACING CARS FOR UNLOADING

Section B. When delivery cannot be made on specially designated public-delivery tracks on account of such tracks being fully occupied, or from other cause beyond the control of the carrier, the carrier shall notify the consignee of its intention to make delivery at the nearest point available to the consignee, naming the point. Such delivery shall be made unless the consignee shall before delivery indicate a preferred available point, in which case the preferred delivery shall be made.

M _____

You are hereby notified that the following cars consigned to you cannot be delivered on specially designated or customary public tracks, on account of such tracks being fully occupied / other cause beyond the control of the carrier and delivery will, therefore, be made at _____ (Describe) that being the nearest available point accessible to you.

CAR		ORIGINAL CAR (IF LADING HAS BEEN TRANSFERRED)		CONTENTS	POINT OF SHIPMENT	REMARKS
INITIAL	NUMBER	INITIAL	NUMBER			

_____ Agent.

ORIGINAL COPY OF THIS NOTICE RECEIVED

At _____ M _____ 191 By _____ {Consignor or Consignee} per _____

(If consignor or consignee refuses to acknowledge receipt of this Notice as required above, the person delivering same should fill out, date and sign the following certificate on the copy kept on file by the Agent:)

I hereby certify that copy of this Notice was delivered by me to Mr. _____ representing the consignor or consignee named hereon at _____ M. on _____ 191 .

_____ (Signature of person delivering notice.)

(If this notice cannot be delivered personally by the Agent or his representative, it must be served by mail, and the Agent should fill out, date and sign the following certificate on the copy kept on file by him:)

I hereby certify that copy of this Notice was mailed by me to the shipper or consignee named hereon, at _____ M. on _____ 191

_____ Agent.

(Approved by The American Railway Association, May 15, 1912.)

THE NORTH AND SOUTH RAILROAD COMPANY

Southport, _____ 191

M _____

_____

Dear Sir:

Referring to your claim of _____ refund for cancellation of demurrage at _____ station, _____ based on weather interference: This claim is subject to the following provision of our demurrage tariff, lawfully on file with the Interstate Commerce Commission, that no demurrage shall be assessed:

> "When the condition of the weather during the prescribed free time is such as to make it impossible to employ men or teams in loading or unloading, or impossible to place freight in cars, or to move it from cars, without serious injury to the freight, the free time shall be extended until a total of 48 hours free from such weather interference shall have been allowed."

Therefore, to enable us to determine whether your claim comes within the provision of that rule, please fill in blank spaces, date, sign and return.

Upon receipt of this information, we will be in a position to check against our weather records and make such allowances as you may be entitled to under the above rule.

Yours truly, (Signed) C. D. SOUTHLAND
(Title)

INITIAL	CAR NO.	DATE LOADED UNLOADED	AMOUNT	REMARKS
			$	

Is allowance claimed because the weather prevented men or teams engaging in the work of unloading (or loading), or because the weather prevented you from moving the freight from (or placing it in) the car (or cars) without serious injury to the freight?

Answer: _____

On what dates within the prescribed free time did the weather prevent unloading (or loading) as claimed?

Answer: _____

_____

Date _____, 191__

(Signature) _____

_____

THIS STATEMENT MUST BE PRESERVED FOR A PERIOD OF EIGHT YEARS AS REQUIRED BY THE REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION.

APPENDIX D

The Uniform Storage Tariff of the United States Railroad Administration, effective Dec. 31, 1919, was issued by agent J. E. Fairbanks. This covers the storage rules and charges applicable upon freight, either in carload or less-than-carload quantities, stored in or upon railroad premises.

Variations in the rules and in the charges have been among the most unsatisfactory of the relations between the carriers and the public. This tariff will produce uniformity and will tend materially to reduce the grounds for complaint on the part of the public.

Rule 1 provides that freight upon which the free time allowed under the demurrage tariff has expired, will not be stored free of charge for any time whatever. This rule further provides that carload shipments of explosives and other dangerous articles will be subject not only to the demurrage rules, but also to storage charges. The other provisions are very similar to those in the demurrage rules and can be interpreted from the explanation there given. We are reproducing herewith the storage rules in full.

STORAGE RULES AND CHARGES

Applicable to freight held or stored in or on railroad premises of railroads under federal control and of railroads not under federal control

RULE 1.—FREIGHT SUBJECT TO RULES

Freight, except as provided in Section D of this rule, received for delivery or held to complete a shipment or for forwarding directions, if stored in or on railroad premises, is subject to these storage rules.

Shipments of less-than-carload freight, loaded into or delivered direct from cars, are subject to storage rules, but when the loading or unloading is done by shipper or consignee, either as required by classifications or tariffs, or at request of shipper or consignee, the cars are subject to demurrage rules, and storage rules do not apply.

NOTE.—Freight which is not liable to damage from the elements and which is not ordinarily handled through freight houses may be stored free, unless otherwise provided, on the vacant land of the railroad, pending shipment, and entirely at owner's risk, provided owner has previously been assigned space as far as available and without distinction.

SECTION A.—Freight upon which the free time allowed under demurrage rules has expired while in cars, and subsequently unloaded in or on railroad premises, is subject to these storage rules when unloaded, without free time allowance.

SECTION B.—Carload shipments of explosives, or other dangerous articles, are subject to both demurrage and storage rules. (See Rule 6.)

SECTION C.—Carload freight, other than explosives or other dangerous articles, held in cars for delivery and subsequently unloaded in or on railroad premises, is subject to demurrage rules while in cars and to these storage rules after it is unloaded.

If unloaded or reloaded by the carrier the actual cost of the service will be in addition to the storage charge. (See Rule 5, Section C.)

SECTION D.—EXCEPTION. The rules and charges herein will *not* apply on:

1. Freight stored in warehouses owned and operated by railroads as exclusively storage warehouses.
2. Export or import freight at the port of export or import.
3. Domestic freight received from or intended for delivery to ocean or lake vessels at the port of transshipment.
4. Freight subject to lighterage at seaboard points.
5. Carload lots of coal, coke or ore.

RULE 2.—NOTIFICATION

SECTION A.—Notice shall be sent or given consignee by carrier's agent in writing, or as otherwise agreed to by carrier and consignee, within 24 hours (one day) after arrival of shipment and billing at destination, such notice to specify point of shipment and commodity.

REFUSED OR UNCLAIMED FREIGHT

SECTION B.—1. Where shipments have been plainly marked with the consignor's name and address, preceded by the word "from," notice shall be immediately sent or given consignor of refusal of less-than-carload shipments. Unclaimed less-than-carload shipments will be treated as refused after 15 calendar days from expiration of free time.

2. Notice shall be sent or given the consignor of unclaimed or refused shipments of explosives or other dangerous articles on hand 48 hours, provided written request is received for this information by agent at point of origin at time of shipment. Such requests should be plainly written on a rectangular piece of paper of different color from any label required under the Interstate Commerce Commission's regulations, and placed on the package in close proximity to such label (or to name of consignee).

3. Where consignor requests that notice of unclaimed or refused shipments be sent by telegraph, this may only be done at his expense.

Rule 3.—Free Time Allowed

Section A.—1. Forty-eight hours' (two days') free time will be allowed on all commodities except the more dangerous explosives, as described in Rule 6, Section A, for the removal of inbound freight from car or railroad premises, or to complete a carload shipment and furnish forwarding directions therefor.

Exception.—On less-than-carload shipments consigned to parties located at interior or at non-railroad points, the following allowance of free time will be made when hauled:

10 miles and not over 20 miles from the station, 5 days.

Over 20 miles and not over 30 miles from the station, 10 days.

Over 30 miles from the station, 15 days.

2. Outbound less-than-carload freight not accompanied by proper shipping directions which will permit forwarding on date received, will be subject to storage charges from the first 7 A.M. after receipt of the shipment, with no free time allowance.

Section B.—Twenty-four hours' (one day) free time will be allowed:

1. On less-than-carload freight held to complete a shipment.
2. On less-than-carload freight held for reshipment.
3. On the more dangerous explosives (as described in Rule 6, Section A) for removal of inbound freight from car or railroad premises or to complete a carload shipment outbound and furnish forwarding directions therefor.

Note.—Outbound less-than-carload shipments of the more dangerous explosives not accompanied by proper shipping directions which will permit forwarding on the date received, will not be accepted.

4. On carload shipments of explosives and other dangerous articles, reconsigned or reshipped in the same car received.

Rule 4.—Computing Time

Section A.—In computing time any fractional part of 100 pounds will be computed as 100 pounds, and any fractional part of 24 hours will be computed as one day.

Section B.—In computing free time, Sundays and legal holidays (national, state, and municipal) will be excluded, except as otherwise provided in Rule 6. When a legal full holiday falls on Sunday, the following Monday will be excluded.

Section C.—On inbound freight held for removal and on freight held for reconsignment or reshipment, time will be com-

puted from the first 7:00 A.M. after the day on which notice of arrival is sent or given to consignee.

SECTION D.—On outbound freight, time will be computed from the first 7:00 A.M. after receipt in or on railroad premises.

SECTION E.—On outbound carloads of explosives and other dangerous articles (as described in Rule 6), time will be computed from the first 7:00 A.M. after loading is begun.

SECTION F.—When orders for freight held for disposition or reconsignment are mailed, such orders will release freight at 7:00 A.M. of the date orders are received at the station where the freight is held, provided the orders are mailed prior to the date received, but orders mailed and received on the same date release freight the following 7:00 A.M.

RULE 5.—CHARGES FOR STORAGE ON FREIGHT OTHER THAN EXPLOSIVES AND OTHER DANGEROUS ARTICLES

SECTION A.—Freight, except automobiles or other self-propelling vehicles (but not excepting motorcycles or bicycle motor wheels), held in or on railroad premises in excess of free time allowed, will be subject to the following storage charges per day or at option of carrier may be sent to public warehouses:

For each of the first five days, 2 cents per 100 lbs.;

For the sixth and each succeeding day, 3 cents per 100 lbs.;

Minimum storage charge per shipment on freight held beyond free time, five (5) days or part thereof, 25 cents; six (6) days or more, 50 cents.

SECTION B.—After expiration of free time, automobiles or other self-propelling vehicles (†except motorcycles and bicycle motor wheels) will be subject to a storage charge of three (3) cents per 100 lbs. per day, with a minimum charge of $1.00 per machine for each succeeding day, or at option of carrier may be sent to public warehouses.

SECTION C.—When carload freight is unloaded by the carrier for the purpose of releasing needed equipment, the storage charge will be the same as would have accrued under car demurrage rules had the freight remained in the car. (See Rule 1, Section C.)

RULE 6.‡—CHARGES FOR STORAGE ON EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Extracts from Regulations Prescribed by the Interstate Commerce Commission

1. Paragraph 1433 * * * "Consignee must remove such shipments from the carrier's property within 48 hours after notice of arrival at destination, Sundays and holidays not included."

2. Paragraph 1643 (a) * * * "If a shipment of explosives is not removed within 48 hours after notice of arrival at destination, it must be disposed of by return to the shipper, or by storage at the expense of the owner, or by sale, or when necessary to safety by destruction under supervision of a competent person."

3. Paragraph 1714 * * * "Consignee must remove such shipments from the carrier's property within 48 hours after notice of arrival at destination, Sundays and holidays not included."

Storage will be charged at the following rates per day of 24 hours or fraction thereof, on explosives or other dangerous articles, held in or on railroad premises, in excess of free time allowed:

SECTION A.—On shipments of the more dangerous explosives, i. e., low explosives, black powder, high explosives, wet fulminate of mercury, blasting caps, electric blasting caps, ammunition for cannon with explosive projectiles, explosive projectiles, explosive torpedoes, *explosive mines, *explosive bombs and detonating fuses; on less-than-carload shipments of such articles twenty-five (25) cents per 100 pounds per day, with a minimum charge of fifty (50) cents per shipment.

On shipments of such articles held in cars when the loading or unloading is done by shipper or consignee, either as required by classification or tariffs, or at request of shipper or consignee, five dollars ($5.00) per car per day (Sundays and legal holidays excluded) in addition to the regular demurrage and track storage charges.

SECTION B.—On shipments of the less dangerous and relatively safe explosives, i. e., ammunition for cannon with empty projectiles, ammunition for cannon with sand-loaded projectiles, ammunition for cannon with solid projectiles, ammunition for cannon without projectiles, smokeless powder for cannon, smokeless powder for small arms, common fireworks, special fireworks, small arms ammunition, cannon primers, small arms primers, empty cartridge bags, black powder igniters, empty cartridge shells, primed, combination primers, percussion fuses, time, tracer or percussion caps, combination fuses, safety fuses, *instantaneous fuse, cordeau detonant and safety squibs, or less-than-carload shipments of dangerous articles other than explosives requiring red, yellow, green, or white I. C. C. labels, on less-than-carload shipments of such articles ten (10) cents per 100 pounds per day, with a minimum charge of twenty-five (25) cents per shipment.

On shipments of the less dangerous and relatively safe explosives, which, under the I. C. C. Regulations, require "INFLAMMABLE" placards, or which do not require placards, and on shipments of dangerous articles other than explosives which, under the I. C. C. Regulations, require "INFLAMMABLE" or "ACID" placards, held in cars, when the loading or unloading is done by shippers or

consignee, either as required by classification or tariffs, or at the request of shipper or consignee, two dollars ($2.00) per car per day (Sundays and legal holidays excluded) in addition to the regular demurrage and track storage charges.

NOTE.—The term "railroad premises," as used in this rule when applicable to carload shipments, shall embrace all tracks which this railroad provides for its own uses and purposes; and also private tracks constructed, maintained, or operated under a written agreement by which this railroad reserves the right to use the whole or any part of them for itself or others than the party with whom the agreement is executed.

SECTION C.—When shipments of the "more dangerous explosives" (see Section A) are not removed from the railway premises by the consignee within the legal limit (48 hours (two days) after the first 7 00 A.M. following notice of arrival), the most practicable of the steps authorized by paragraph 1643 (a), as quoted above, must be taken to secure this removal.

When available, powder magazines not on railway property should be utilized for storage.

RULE 7.—CLAIMS

No storage charges shall be collected under these rules, for delays from causes named below. Storage charges assessed or collected under such conditions shall be promptly cancelled or refunded by the carrier.

CAUSES

SECTION A.—Weather Interference. 1. When the condition of the weather, during the prescribed free time, is such as to make it impossible to remove freight from railroad premises without serious injury to the freight, the free time shall be extended until a total of 48 hours free from such weather interference shall have been allowed. (See Note.)

2. When, because of high water or snowdrifts, it is impossible to remove freight from railroad premises during the prescribed free time. (See Note.)

NOTE.—Section A, paragraphs 1 and 2, shall not absolve a consignee from liability for storage if others similarly situated and under the same conditions are able to remove freight.

SECTION B.—Demand of Overcharge. When the carrier's agent demands the payment of transportation charges in excess of tariff authority.

SECTION C.—Delayed or Improper Notice by Carrier. 1. When notice has been sent or given in substantial compliance with the requirements as specified in these rules, the consignee shall not thereafter have the right to call in question the sufficiency of such notice

unless within 48 hours (two days) from 7 00 A.M. following the day on which notice is sent or given he shall serve upon the delivering carrier a full, written statement of his objections to the sufficiency of such notice.

2. When claim is made that a mailed notice has been delayed, the postmark thereon shall be accepted as indicating the date of the notice.

3. When a notice is mailed by carrier on Sunday, a legal holiday, or after 3 00 P.M. on other days (as evidenced by the postmark thereon), the consignee shall be allowed 5 hours' additional free time, provided he shall mail or send to the carrier's agent, within the first 24 hours of free time, written advice that the notice had not been received until after the free time had begun to run. In case of failure on the part of consignee so to notify carrier's agent, no additional free time shall be allowed.

4. In case of failure by the carrier to send or give notice in accordance with the provisions of Rule 2, Section B, no storage charges will be assessed between the date on which the notice should have been sent or given and the date on which it was actually sent or given.

SECTION D.—*Railroad* errors which prevent proper tender or delivery. This rule will not apply on freight held on account of having been delayed or damaged in transit or on freight refused by consignee on account of shortage.

SECTION E.—Delay by United States Customs. Such additional free time shall be allowed as has been lost through such delay.

*Indicates advance. †Indicates reduction.

‡When the connection with non-federal-controlled lines as shown in List No. 2 hereof, will not apply on Kansas intrastate traffic to shipments of petroleum oil and its products as described under the heading of "Petroleum Oil and Its Products" in Consolidated Freight Classification No. 1, R. C. Fyfe's I. C. C. No. 14, supplements thereto or reissues thereof.

A PRIMARY LESSON IN TRANSIT

ONE OF A SERIES OF TREATISES IN AN INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

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LASALLE EXTENSION UNIVERSITY
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CHICAGO

TF525
3-B

INTERSTATE COMMERCE
AND
RAILWAY TRAFFIC COURSE

The subjects listed below constitute the basic material of a course in Interstate Commerce and Railway Traffic. This course is especially designed to meet the constantly growing demand for efficiently trained men in railroad and industrial traffic work; to assist students to pass the examinations for government service under the Interstate Commerce Commission; and to meet the demand for men competent to direct the work of commercial organizations and traffic bureaus. With the exception of the Atlas of Railway Traffic Maps, the subjects listed below are covered in an average of approximately 200 pages each.

- Atlas of Railway Traffic Maps
- Traffic Glossary
- Freight Classification; Some Ways of Reducing Freight Charges
- Freight Rates: Western Territory; Bases for Freight Charges
- Freight Rates: Official Classification Territory and Eastern Canada; Industrial Traffic Department
- Freight Rates: Southern Territory
- Publication and Filing of Tariffs
- Freight Claims; Investigation of Freight Claims; Routing Freight Shipments; The Bill of Lading; A Primary Lesson in Transit; Demurrage
- Railway Organization; Statistics of Freight Traffic; Railway Accounting
- Express and Parcel Post
- Ocean Traffic and Trade
- Railway Regulation
- The Act to Regulate Commerce and Supplemental Acts
- Conference Rulings; Procedure Before the Interstate Commerce Commission; Grounds of Proof in Rate Cases
- Application of Agency Tariffs
- The Law of Carriers of Goods
- Practical Traffic Problems

LASALLE EXTENSION UNIVERSITY

A PRIMARY LESSON IN TRANSIT

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CHICAGO
1922

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A PRIMARY LESSON IN TRANSIT

Reasons for Transit Privileges

To many, the word "transit" conveys an idea of movement or transportation. Thus, when we speak of goods in transit, we have the idea that the goods are en route and that the transportation is continuous except when interrupted by the transfer of the shipments from one agency to another. In the transportation world, however, this term is generally recognized, when applied to specific commodities, as a suspension of the through movement while in the course of transportation, for the performing of some service not contemplated by an uninterrupted through movement of the commodity from its original point of shipment to its ultimate destination. An example is the stoppage of wheat en route to be ground into flour, after which it is transported to its final destination.

From the beginning and up to the present day, the tariffs of practically all of the carriers covering the subject refer to this service as a privilege, due to the fact that for more than twenty-five years the concession was one voluntarily accorded by the carriers. This holds good at the present time, with the exception of two or three instances, where the Interstate Commerce Commission, within the past two years, has ordered the carriers to establish transit privileges or continue those already in effect.

The designation "privilege" grew out of the fact that it was a departure from what could be considered as

strictly a transportation matter. It was rather a commercial element, affecting the course of transportation. So far as record or memory can establish, the privilege had its birth in the milling of wheat into flour, and the cradle in which this ingenious industrial infant was nurtured and developed was the northwestern wheat territory, having Minneapolis as the centrifugal point of commercial and transportation interest.

By the granting or refusing of a privilege, which power is given to the traffic manager of a railroad company, an industry located at a certain point may be given the opportunity to increase its business or it may be compelled to "pull up stakes" for a venture into new fields. Which it is to be depends entirely upon whether or not the traffic manager representing the road on which it is located will arrange to place that point of location, so far as the scale of rates is concerned, on a parity with the more favorably situated point with which it has to compete.

Here is where the commercial aspect of transit privileges to which we refer, comes in. This is where the railroad man does not stop with selling transportation as he finds it on his road, but where he begins to stimulate the demand for the transportation service he has to sell by creating a combination carrier and commercial factor that will make it possible to bring about an increase.

This brings us to the closing remarks on the reasons for considering the arrangement a privilege. It is in the hands of the railroad to decide what particular industry or location is, in its opinion, justified in obtaining the concession. It is needless to add that, from our observation, the carrier's desire for increasing its tonnage and obtaining the maximum revenue for its haul will always cause the carrier to bestow the privilege where it has the best effect in that direction.

Now, we come directly to the point where you ask: What is the cause of this disparity as to location? What is the reason for this method toward an equalization? In other words, what is the necessity of these so-called transit privileges, and what is the fundamental principle on which they are based?

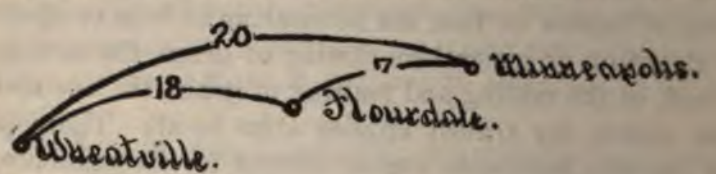
The basic principle of this privilege, which we will hereinafter refer to as transit, is, broadly and generally speaking, to place the industries located on the byways of transportation on an equal basis of rates with the industries more fortunately located on the highways, in everyday parlance; in other words, to place the interior or country station on an equal footing with the primary or terminal market, where rates begin, break, or end. That, briefly, is the general purpose of transit. (There are exceptions, which result in modifications and perversions of this principle, but they only emphasize the principle and therefore need not be brought out at this time.)

Whether it is the storage of apples or agricultural implements, the cleaning or sorting of beans or broom corn, the roasting of coffee, the compressing of cotton, the refining of cotton seed oil or bullion, the dressing or creosoting of lumber or ties, the fabricating of iron or steel, the elevation or general marketing of grain, the mixing of feed, or the milling and malting of grain, the one and same reason for transit applies alike to all. There is only the one legitimate excuse offered for its existence, and that is to equalize rate disparity.

How Transit Is Applied

As one commodity will illustrate this feature as well as another, we will use the milling in transit of wheat for the purpose of this example.

Minneapolis, owing to its geographical location and natural advantage as to water power, early became a commercial and transportation center. Having the most powerful factors conducive to the development of any and all industry and being the gateway to the great wheat fields of the northwest, nothing seems more natural than that it should become a center for the marketing and milling of the great quantities of grain, principally wheat, grown in that section of the country. Many competitive roads lead to and from that center or primary market in all directions and, by all the laws of cause and effect, rates were made to and from that gateway. These rates established the level of through transportation charges from points of production in the West tributary to Minneapolis to points of consumption in the East. This level of rates, established by force of competitive and commercial conditions through such a large market center, cannot be remuneratively maintained with respect to interior local points, where the conditions are entirely dissimilar. The rates, however, though they may be on a higher basis than those applicable to the market centers, are reasonable and not unduly discriminatory in themselves.



To illustrate: The rate on flour from Wheatville to Minneapolis is 20 cents. The rate on wheat from Wheatville to Flourdale, an intermediate point to Minneapolis, is 18 cents; the rate on flour from Flourdale to Minneapolis is 7 cents. The rates from Wheatville to Flourdale and from Flourdale to Minneapolis being reasonable in themselves for the respective hauls, it would cost the

miller at Flourdale who buys his wheat at Wheatville 25 cents per 100 pounds to land his product in Minneapolis, as against 20 cents, the through rate the Minneapolis miller would have to pay from the same point of origin. The difference of 5 cents per 100 pounds in favor of the Minneapolis miller would make competition prohibitive. This difference is only illustrative. In actual commerce a difference of a fraction of 1 cent in the rates on grain or its products is competitively prohibitive.

You might say: Why can't this difference be adjusted by reducing the rate from Wheatville to Flourdale or from Flourdale to Minneapolis, so as to make the combination 20 cents instead of 25 cents? You must bear in mind the fact just stated, that both of these rates in themselves are reasonable. If grain moves from Wheatville to Flourdale and is there locally disposed of, which is likely, 18 cents is a reasonable rate to charge. If flour made from the wheat is locally shipped from Flourdale to Minneapolis, 7 cents is a reasonable charge. Therefore, the carriers cannot be and should not be required to reduce these rates. The changing of the established basis of rates to and from local points at any one given point or points might mean the breaking down of the entire fabric of rate alignment throughout a vast territory, without accomplishing any other result than the unwarranted reduction of the carrier's revenue or the disruption of an equitable rate situation.

Consequently, this brings the miller at the intermediate point, Flourdale, to the traffic manager of the railroad on which he is located. The miller does not ask that the carrier's basis of local rates be broken down, but explains that if some arrangement could be made whereby he would be able to enjoy the same through rate as the Minneapolis miller enjoys, he could compete with Minneapo-

lis and increase his business and, incidentally, the tonnage of the railroad.

So it will be seen that the only way to apply a through rate or charge after local delivery has been taken at an intermediate point, without changing the measure of local rates, is to arrange to take the tonnage from Wheatville into account at Flourdale for the benefit of the through rate from Wheatville to Minneapolis, when the product is shipped to that point.

This results in placing the intermediate man at Flourdale on a parity, as to rates, with the man at Minneapolis. That market, however, may not afford an opportunity for the Flourdale miller to expand his business sufficiently and he demands to be placed on a rate parity with Minneapolis for eastern markets, such as Chicago, Buffalo, New York, Boston, etc. In order to make competition a possibility, a system of transit rules and regulations may be published and put into effect which, in so far as rates are concerned, will accord this interior miller the same through rate that would apply via Minneapolis, on which city the level of rates has been established.

To illustrate: The rate from Wheatville to Minneapolis is 20 cents and the rate from Minneapolis to Chicago 10 cents, making the through rate 30 cents. The combination of local rates for the miller at Flourdale is 18 cents from Wheatville to Flourdale and 15 cents from Flourdale to Chicago, or 3 cents in excess of the through rate from Wheatville to Chicago. For the reasons stated before, the only way to adjust this rate is by means of transit. Thus, it will be seen that the principal purpose of transit is to protect the interior or handicapped industry. What has been said as to the miller applies equally to other industries and commodities, each and every one having its own individual characteristics, depending entirely on the nature of the business and the transporta-

tion situation in connection therewith. No matter what the commodity is, where the industry is located, or what its relation to transportation is, the object of transit is the same: to apply the lower through rate in place of the higher combination of local rates to and from the transit point.

While this is the paramount reason for transit, it must not be understood as being the sole reason for which it is granted. One reason, from a carrier's standpoint, is to obtain the long haul to the final outlet of the raw material or the finished product, as in the case of wheat and flour. Another reason is that transit mutually benefits both the carrier and the shipper to move a comparatively perishable commodity, without an immediate or profitable outlet, to a market center for storage, thereby conserving the commodity to the producer and the revenue to the carrier. This results in an economic saving, not only to those directly interested, but relatively to the consumer as well.

These are a few of the legitimate reasons other than the fundamental one of protection for the so-called interior shipper. There are, however, other reasons which, in the broadest sense, justify transit. For example, transit is of economic value to the country at large when it brings about a proportionate reduction in the prices of commodities by giving the benefit of the through rate instead of the much higher combination of local rates to and from the stop-off, storage, or transit point, which higher combination rate would have to be paid were it not for the transit privilege.

Take grain for instance; this all-important food-stuff of the country must be most economically conserved from harvest to home. It must be rushed from the country to the most available market, there to be elevated for official weights in order that the country shipper may receive

pay for just the quantity he ships; it must then be graded for the most advantageous disposition; it may need to be cleaned or dried and put in condition for storage, thereby prepared to meet future needs at home or shipped at a moment's notice to all parts of the world. Immense storage elevators and warehouses must be maintained for this purpose. If it were not for these facilities at market centers like Chicago, Kansas City, Omaha, Minneapolis, etc., great quantities of grain would rot on the farms or deteriorate in small country warehouses for want of facilities to handle it properly or sufficient equipment to gather it from the thousands of country stations and move it *en masse* to the consuming territory in the East and to other countries demanding it.

The first principle of economy requires that all the grain the country shipper can offer be promptly taken to the market centers, there to be graded and stored. Without transit the local rate into and out of the storage point would have to be paid on all this enormous tonnage. This would result in an increase of at least 25 per cent in the rates, which would, of course, be added to the price of the grain and eventually to the price of food.

This general review of transit, though brief, should establish in your mind at least two things in connection therewith, viz., what it is and why it is used. The "how it is" can only be unfolded by going at length into the practical generalities and details of every angle of the commercial and transportation aspect of the particular commodity to be dealt with.

Importance of Tariffs

The following general rule, which is as absolute and unerring for the uninitiated in traffic lore as it is for the

most expert traffic or legal mind, is a guiding factor in this "transitory realm":

> See what the published tariff lawfully filed
> With the State or Interstate Commission prescribes.

In that issue alone, transit has its birth and being. Under the law every person has free access to tariffs.

With these facts in mind, mental equation promptly suggests the following inquiries: What commodity am I interested in? What carriers are or might be concerned? What tariffs are in effect? What, if anything, do they provide?

It may develop that everything desired is already provided for, in which event nothing further than familiarity with the rules will be necessary. On the other hand, transit may be insufficiently provided for or not provided for at all. In the case of the former it will be necessary to determine the reason for its limitations, and in the case of the latter for its non-existence. This must be followed by good and sufficient reasons for enlarging transit in the one case and for establishing it in the other case.

The one important impression we wish to make here is the importance of the tariff as to "what is," "might be," or "must be."

Development of Transit Privileges

Until 1908 the Interstate Commerce Commission took little notice of transit privileges. On June 25 of that year, the following rule was promulgated.[1] As will be seen, this was the beginning of a series of attempts to adjust satisfactorily a very difficult problem of vital importance to the whole country.

A milling, storage, or cleaning-in-transit privilege is established on the theory that the commodity may be stopped en route

[1] 13 I. C. C. Rep., 284.

yment of such privilege, and the commodity or its forwarded under the application of the through rate from original point of shipment. It is not expected that the identity of each carload of grain, lumber, salt, etc., can or will be preserved, but in the opinion of the Commission it is unlawful to substitute at the transit point, or forward under the transit rate, tonnage or commodity that does not move into that point on that same rate.

T g, which prohibits the substitution of commodi- ti sit which impairs the integrity of the through ra as of such a general character that practically no atter n p to e r shippers or carriers and consequ ly it fa ts se.

Co ued complaints from the shipping public led to the following more drastic r ing by the Commission, announced June 29, 1909:[2]

A milling, rage, or cleaning-in transit privilege can not be justified o the identical commodity or its exact is finally forwarded from the trans ad application of the through rate from original hipment. It is, therefore, not permissible at transit p ward on transit rate commodity that did not move into transit point on transit rate, or to substitute a commodity originating in one territory for the same or like commodity moving into transit point from another territory, or to make any substitution that would impair the integrity of the through rate. It is not practicable to require that the identity of each carload of grain, lumber, salt, etc., be preserved, but, in the opinion of the Commission, it is not possible to lawfully substitute at the transit point any commodity of a different kind from that which has moved into such transit point under a transit rate or rule. That is to say, oats or the products of oats may not be substituted for corn, corn or the products of corn for wheat, nor wheat or the products of wheat for barley, nor may shingles be substituted for lumber, or lumber for shingles, nor may rock salt be substituted for fine salt, nor fine salt for rock salt; likewise oak lumber may not be substituted for maple lumber, nor pine lumber for either oak or maple, nor may hard wheat, soft wheat, or spring wheat be substituted either for the other. These

[2] 18 I. C. C. Rep., 285.

illustrations are given not as covering the entire field of possible abuses, but as indicating the view which the Commission will take of such abuses if they arise.

To the end that abuses now existing at transit points may be eliminated, carriers will be expected to conform their transit rules and their billing to the suggestions of this rule. In the event of the failure of any carrier so to do, reductions of legal rates caused by transit abuses will be regarded as voluntary concessions from legal rates.

Following the establishment of this ruling, complaints and counter-complaints arose from all sections of the country, particularly from the millers of grain, that it was too stringent and that its application practically destroyed the benefit of transit, under which so many industries had developed and upon which they were dependent for success. The appeal was made that the Commission take the matter into its own hands and establish reasonable rules and regulations which might be lawfully applied throughout the country.

This the Commission did on its own motion, holding hearings at Washington, Chicago, Boston, and other points throughout the country as to the privileges generally granted and the practices pertaining thereto. The outcome of these hearings develped the existence of a very unsatisfactory condition with respect to the transit privileges and improper practices in connection therewith, both on the part of the carriers and the shippers, throughout the entire country.

The purpose of the Commission was lofty in the extreme. It wished, by every means at its command, to conserve transit for the carriers and for commerce if it could be done in harmony with the law and in accordance with the letter and spirit of the Act to Regulate Commerce as it saw and understood the Act. But the Commission is composed of men, and it was an impossibility

for those men to realize fully what a strong hold transit had obtained in the transportation of certain commodities, particularly grain and grain products, throughout the vast producing sections of the country in the west, northwest, and southwest. In these sections the very life of the industries depended upon transit as the only equalizing factor in establishing the basis of rates which made competition possible.

Present Status of the Regulation of Transit

Confronted with this situation, complaints increased and conflicts started as the question resolved itself into one of concession or confiscation. The Interstate Commerce Commission again opened up the entire transit case, inviting representatives of the carriers and shippers from every section of the country to meet in Washington and to agree upon such a set of rules as would be uniformly practical, equitable, and legal.

No great measure of success attended this meeting. The problem was too vast. A condition that had been gradually developing for twenty-five or thirty years in conjunction with the enormous and ever-increasing commerce of the country could not be so readily changed by concourse and agreement, and this effort on the part of the Commission met with signal failure.

The conference, however, had one result in so far as it served to assure the Interstate Commerce Commission, both on behalf of the carriers and the shippers, that tariffs could be lawfully published which specifically permitted certain substitutions in transit that were reasonable and not unduly discriminatory and therefore not contrary to law. Consequently, upon continuing its investigation, the Commission came to see that the carriers were making herculean efforts to make their transit allowances

conform literally to the spirit and the letter of the law.

Having received assurances on behalf of both the carriers and the shippers that tariffs which specifically prescribed lawful substitutions could be legally published, in that they would not be unjustly discriminatory or unduly preferential and thereby no harm done, the Commission demonstrated that it was big enough, fearless enough, and honest enough in its convictions to change its mind for the common weal of the people it represented, when shown sufficient light to justify it.

So in February, 1913, the rule which it had announced in 1909 and reinforced in 1912, was rescinded and a final order issued to that effect.[8] This last order carried with it a stipulation that the carriers could publish and enforce rules and regulations as to transit, provided such rules and regulations conform to the law, on which point the Commission says:[9]

> It is our best judgment that the policy of making orders, drawing rules, or expressing views as to what would or would not, under certain conditions, be considered a violation of law as to transit privileges, be now departed from by us, as the carriers are charged with the duty of initiating their rates, regulations, and practices under their own responsibilities and liabilities imposed upon them by the act, subject to the appropriate action on the part of the Commission or the courts in the event that the rates, regulations, or practices are found to be in violation of law.

From the foregoing, it will be noted that the responsibilities and liabilities for the establishment of transit rules, regulations, and practices rest with the carriers, and their observance in conformity with the law rests upon both the carriers and the shippers alike.

The Commission says in closing this final report in the so-called "Transit Case":

> If tariffs can be filed as proposed, providing for the lawful exercise of transit practices upon grain or other commodities,

[8] See page 20.
[9] 26 I. C. C. Rep. 210.

and published rates maintained, the carriers are, of course, at liberty to proceed accordingly. If difficulties arise over the rates and practices upon questions of unjust discrimination, unreasonableness, or undue preference, or if there is involved the question of through routes and joint rates, these are matters which are peculiarly within our province and can be disposed of by following the procedure set out in the law.

Should action be necessary on our part under the provisions of the law above referred to which specifically authorize us upon proper showing to grant relief, we think that public interests demand that upon its being made to appear that such relief is needed, we institute an entirely new proceeding in the nature of an investigation upon our own motion or upon general complaint for the purpose of determining whether or not any one or more of the first three sections of the act are being violated, or whether relief under section 15 should be ordered.

Having traced the history of transit, we come now to the tariff, which is the foundation upon which we must build, operate, and defend the privileges granted by the carrier and accepted by the shipper. Both are equally amenable under the law and both equally responsible for the observance of such rules and regulations as the tariffs contain. It is, therefore, for these reasons that we say first, last, and all of the time: Refer to your tariffs. This sums up what we consider briefly and in general the history of the "whys" and "wherefores" of transit.

Since the Commission rescinded its ruling on transit, the carriers have busily engaged themselves in formulating transit rules on various commodities, which in their opinion are defensible and conform to the law, in line with the assurance given to the Commission. In order to do so, each commodity and every commercial and transportation feature with respect to its effect on transit must be carefully considered and disposed of on its merits.

Policing of Transit

Every phase of the transit problem must be carefully analyzed as to its relation with, or its effect upon, com-

mercial and carrier competition, and these features, taken in conjunction with economic necessity, must be harmonized with the law of transportation, viz., the Act to Regulate Commerce, the rulings of the Interstate Commerce Commission, and (or) the rulings of the various state commissions, together with published tariffs.

These features being satisfactorily disposed of, we come to one of the principal factors to be considered before a transit tariff can be justified, or the privilege granted thereunder made lawfully operative. That is to determine whether the nature of the transit to be granted is such as to admit of a thorough impartial supervision, or "policing," to the end that the very purpose for which it was established is not defeated and thereby, under the guise of official sanction, a violation of the law brought about.

The importance of this phase of transit will be readily understood when it is fully realized that the through movement under which the through rate is applied is disrupted, the property taken out of the carrier's possession and its identity lost, as well as in many instances converted into an entirely different commodity. Oftentimes the rates and minimum weights on the inbound commodity, or raw material, are on a different and usually on a lower basis than on the outbound commodity, or finished product. These inbound and outbound shipments, consisting of either the same or different commodities, must be so connected by supervision and accounting as to establish the same lawful relation in tariff-rate application as if the shipment had not stopped in transit or there had been no interruption of a through movement. This is what might be termed the anomaly of transit, in that there is a complete disruption of a through movement as to the traffic without any disruption of a through movement as to the tariff, although all tariffs published nam-

ing through rates are predicated on an uninterrupted through movement from the original point of shipment to the final destination.

It is in these necessary changes in the kind and character of commodities in transit that the great opportunity for substitution which impairs the tariff rate presents itself. The temptation to take advantage of it is as great as the profit accruing by obtaining a lower rate than the traffic should properly pay and thereby obtaining an undue advantage over competitors bidding in the same market against tariff rates. Such unlawful substitution affects the shipper to a far greater extent than it does the carrier, because the latter is interested only in the commodity it transports, as described and provided for in its tariff, such as lumber, corn, etc., while the shipper is vitally interested in the character or grade of each and every one of these commodities with which he finds himself compelled to compete in order to reach a certain market.

Substitution of Commodities

The term "lumber" may be sufficient for the carrier's purpose when it is willing to transport many or any kinds of lumber at the same rate, but the lumber merchant, who is bidding to reach a certain market on a car of white pine, knowing that that particular grade of lumber comes from a territory which should pay, say, a 30-cent rate, is not comforted when he finds out that he lost the order because his competitor used billing for an inbound shipment of tamarack against the outbound shipment of white pine, by which method of substitution a rate of 20 cents was obtained.

Similar substitutions are possible with all commodities and are prohibited as unlawful, because they result in undue and unreasonable discrimination between shippers

and localities. In granting transit privileges, the carriers are obliged to exercise their best efforts to eliminate such practices, and that is generally done through the medium of transit inspection bureaus, whose duty it is to police the entire transaction of a transit house (a grain elevator or other industry operating under transit). While it may be provided that commodities may lose their identity, may be mixed, milled, or manufactured, the application and cancellation of representative billing for all tonnage disposed of, whether for through shipment or local loss due to milling, manufacturing, etc., must be so arranged as to result in the assessment of the same charges as should, under the tariff, be paid had the same tonnage not stopped for transit privileges (in addition, of course, to any reasonable transit charge provided for in the tariffs).

The proviso is used because if we were to take a single shipment or a certain number of shipments in themselves as a basis for determining whether unlawful substitution had taken place, it would present a false premise in the value of granting the privilege. Transit in such cases would more often result in a penalty rather than a privilege.

The fact that transit admits of loss of identity, mixing, milling, manufacturing, etc., is tantamount to permitting certain substitution which can properly come within the law. This is because it does not result in a departure from tariff rates and requirements to the extent that it is unduly discriminatory. Consequently, it is not contrary to law or what a tariff may lawfully permit.

All such matters come under the head of proper policing, and when the traffic is such that it can be fairly determined that this can be accomplished, transit may be inaugurated.

After this is satisfactorily disposed of, many of the problems referred to as being characteristic of different commodities, different transportation situations, and different geographical locations, must be encountered, considered, and disposed of as they present themselves, on the individual merits of each and every case and in line with the law and precedents established thereon.

Conclusion

It is beyond the scope of this treatise to cover the thousand and one angles of the general subject of transit so as to give a comprehensive knowledge of all the features that enter into the handling of all the commodities under such privileges. Such a procedure would necessitate the writing of a fairly good-sized volume relating to each and every commodity and several volumes on the problems that come up from day to day that affect the proper handling of traffic under transit rules and regulations.

In closing, let us suggest that as transit privileges cover such a wide field, it is always worth while to make the most careful investigation to ascertain whether or not such privileges are applicable on the particular traffic in question and, if not, whether or not sufficient reason exists to have such privileges established.

February 10, 1913, the Interstate Commerce Commission revoked its earlier decisions and Conference Rulings 181 and 203 and Rule 76 of the Tariff Circular, and substituted the following:

When rules and regulations have been established in tariff form clearly defining the purpose or purposes for, and the terms under which, transit privileges are granted, and providing also for the effective policing of the operations under the arrangement, a shipment may be stopped in transit, and the same shipment or a proper equivalent (less invisible loss in weight), as set forth in said rules and regulations, may be forwarded at the thru rate provided for by tariff from the original point of shipment to final destination, plus the charge for transit privilege, if any. (This rule shall not be construed to authorize the pubication of tariffs providing for the substitution of one commodity for a commodity of a different kind. That is to say, oats, or the products of oats, for corn; corn, or the products of corn, for wheat; wheat, or the products of wheat, for barley; or shingles for lumber.)

TEST QUESTIONS

These questions are for the student to use in testing his knowledge of the assignment. The answers are not to be sent to the University.

1. What does the term "transit" mean when used in connection with the transportation of freight?

2. What is the object of transit privileges?

3. Describe very briefly how transit privileges may be applied to wheat.

4. What does the author say as to the necessity of the study of tariffs in connection with transit privileges?

5. Show very briefly the development of transit privileges.

6. On what basis do carriers now apply transit privileges?

7. Why is it difficult to check properly the application of transit privileges?

8. Show how one commodity may properly be substituted for another, under transit privileges.

9. Give some examples of improper substitution of commodities in connection with transit privileges.

10. Why is it important to investigate the subject of transit privileges?

11. What is your opinion as to the benefits derived from the application of transit privileges on such commodities as wheat?

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